THE LIBRARY OF CONGRESS
1800

Scanned from the collections of
The Library of Congress

AUDIO-VISUAL CONSERVATION
at The LIBRARY of CONGRESS

Packard Campus
for Audio Visual Conservation
www.loc.gov/avconservation

Motion Picture and Television Reading Room
www.loc.gov/rr/mopic

Recorded Sound Reference Center
www.loc.gov/rr/record

Scanned from the collections of
The Library of Congress

Packard Campus
for Audio Visual Conservation
www.loc.gov/avconservation

Motion Picture and Television Reading Room
www.loc.gov/rr/mopic

Recorded Sound Reference Center
www.loc.gov/rr/record

DO NOT REMOVE
Copy ---- 194
m 1-2[illegible]-44

Alert.
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

V[illegible] 44. NO. 65 NEW YORK, MONDAY, OCTOBER 3, 1938 TEN CENTS

New G.N. Sets 44 at Chicago Sales Meeting

Additional 24 Westerns Are Contemplated

CHICAGO, Oct. 2.—The newly organized Grand National Pictures, Inc., formally went into operation Saturday with a sales conference in Chicago presided over by Edward L. Alperson, general manager of distribution. The conference was attended by sales executives from the middle and far west, and will be followed by a meeting of eastern and southern executives in New York next Saturday.

The first official announcement of the company's product for the 1938-39 season showed that Grand National will release 44 feature pictures, to which they contemplate adding two important special productions; 24 westerns, divided into four groups of six each, and 44 short subjects from Educational Pictures, 18 of which will be two-reel star comedies and the balance one-reel subjects.

Mr. Alperson announced a number

(*Continued on page* 8)

Early Decision on RKO Plan Expected

The Federal court's indicated disapproval of a minority creditor's petition to bring the S.E.C. into the RKO reorganization proceedings, together with the easement of the European situation and its attendant stabilizing of the American securities market, will make possible an early decision by reorganization factors on the management and board of directors of the new company, it was indicated in official quarters over the weekend.

Both the petition for S.E.C. intervention and the unsettled European

(*Continued on page* 5)

Two Marquee Bills Await City Action

With the reopening of the Municipal Assembly's fall session, two pending bills for the regulation of marquees will come up. Bill C-121, which was passed June 14 by the City Council and now awaits action by the Board of Estimate, permits signs nine feet wide to be placed on the face of the marquee. Present restrictions limit such signs to two feet, but the regulation is not being enforced.

Another bill, C-273, attempts to extend the ban against marquees which now exists on a number of New York

(*Continued on page* 5)

Comrades

Budapest, Oct. 2.—Over in effete New York disturbed producers toss bare knuckles in the direction of critics on rare occasions—the way Jack Kirkland chose with Richard Watts. Here they use sabers.

They, in this case, were Bela Pasztor, film producer, and Zoltan Egyed, scenarist and critic. Pasztor didn't like a criticism by Egyed and challenged him to a duel. Egyed chose the sabers, in accordance with ancient custom—and he made a mistake. He may not have known about Kirkland's simple technique.

Egyed received slight injuries and Pasztor was seriously cut on the head and chest.

Film Lawyers May See Arnold Again Later This Week

The second meeting of counsel for the principal defendants in the Government anti-trust suit with Department of Justice officials may be held in Washington late this week, it was indicated yesterday.

The date for the resumption of conferences will be set following a meeting today of counsel for all eight major company defendants. At the initial meeting with department officials only the five companies having theatre affiliates were represented. However, due to the fact that several of the subjects touched upon at last week's meeting, such as trade practices

(*Continued on page* 7)

MPTO Invites Producers to Product Talks

Hope for an Exchange of Opinion at Convention

A national exhibitor forum on new season product, in which the heads of all major studios will be asked to participate, is planned for one of the sessions of the M.P.T.O.A. national convention at Oklahoma City, Oct. 30 to Nov. 2.

Invitations to attend the session were sent out Saturday by M.P.T.O.A. headquarters here to Harry Cohn, Columbia; Adolph Zukor, Paramount; Samuel Goldwyn, United Artists; Louis B. Mayer, M-G-M; Pandro S. Berman, RKO; David O. Selznick, Selznick International; Darryl F. Zanuck, 20th Century-Fox; Cliff Work, Universal, and Jack L. Warner, Warners.

The forum is designed to give exhibitors an opportunity to provide a cross section of national opinion on various types of product, casts and ad-

(*Continued on page* 5)

Republic Aims for 2,000 New Accounts

HOLLYWOOD, Oct. 2.—Here for a week of conferences with local exchange men and with Moe J. Siegel over production plans, J. R. Grainger, president of Republic Pictures, declared Saturday that Republic sales are $1,000,000 ahead this year over last year at this time, and that prospects are hopeful for selling 9,000 domestic accounts for the new season.

(*Continued on page* 5)

'Twas an Ill Wind—

"It's an ill wind that blows nobody good," and "he who laughs last laughs best" are ancient cliches indeed, yet no other more modern expressions serve quite so beautifully as introductions to a tale which Monroe Greenthal of United Artists submits is the truth, the whole truth and nothing but the truth, so help him.

At any rate, prior to the opening of "Hurricane" in Boston some six months ago, Mr. Greenthal sent exploitation man Art Catlin to that city to cook up some publicity. And what did Mr. Catlin do, my hearties, but purchase a year's hurricane insurance covering the Metropolitan Theatre, following which he attempted to plant the yarn with the newspapers. But they clucked sadly at his speech and refused to run the story, for Boston doesn't have hurricanes. Wherefore, they inquired, why hurricane insurance? Came the hurricane of two weeks ago, the expensive marquee of the Metropolitan was blown down, and a new one is being put up by the insurance company which issued the policy.

For a fitting close to this yarn, cast eyes upward to the cliches.

Warners Give Until Dec. 1 On Debentures

Deposit Date Extended; $17,457,000 Now In

Extension to Dec. 1 of the right of holders of Warners' optional six per cent convertible debentures, due Sept. 1, 1939, to deposit their bonds for exchange for new debentures maturing in 1948 has been voted by the directors, Albert Warner, vice-president, has informed bondholders by letter.

The original date on which deposits would terminate under the plan of exchange sent to bondholders July 22 was Oct. 1, subject to such extensions as the directors might elect.

Mr. Warner said in his letter that as of Sept. 28, of the $29,400,000 principal amount of debentures outstanding, $17,457,000 have been deposited with the New York Trust Co. as depositary.

"A large number of debenture holders have expressed their intention of

(*Continued on page* 5)

Shorts Not Forced, Declares Montague

Declaring that it has not been Columbia's practice to force shorts with features, A. Montague, general sales manager, on Saturday cited a letter sent to Ed Kuykendall, M.P.T.O.A. president, Jan. 29, 1937, setting forth the company's policy in detail on the subject of shorts forcing.

Mr. Montague's statement of Saturday was made in reply to queries put to him and other major company distribution executives following publication of a letter from William F. Rodgers setting forth Loew's policy on the subject for Allied of New York. Mr. Montague's letter to Mr. Kuykendall was Columbia's response to the

(*Continued on page* 5)

M-G-M Will Produce 52, States Lichtman

M-G-M will make the maximum of 52 features scheduled for release by the company during 1938-'39, says Al Lichtman, vice-president, who arrived Friday from the coast for home office conferences. The company is selling contracts on the basis of delivery of from 44 to 52 pictures. Eight or nine of these are completed or nearly so.

No further executive changes are planned at the studio, and production is proceeding rapidly, said Mr. Lichtman.

Lill
PN1993
.M43
X Copy
M Pic

See End of Games In Phila. Decision

PHILADELPHIA, Oct. 2.—With Judge Gerald Flood's ruling banning "Quizzo" and "Pary" it is believed that the game situation has come to a complete close in the Philadelphia territory and that region will return almost exclusively to premiums. Judge Flood's decision came in the course of his refusal of a habeas corpus writ for four defendants who more than a month ago submitted to voluntary arrest for a test case. In his decision, the Judge said that element of skill "fades to shame" in case of "Quizzo" and that chance elements were even greater in other games. By refusal of writ, the defendants, Albert Sherier and Nathan Abelove, Ritz theatre, and Herbert Lewis and Lewis Schleifer, of Jewel theatre, will be obliged to stand trial.

Insurance Bureau to Handle Storm Claims

A central clearing house for the handling of hurricane damage claims will be opened today by major insurance companies which have issued policies in the New England area. The clearing house will operate under the sponsorship of the National Board of Fire Underwriters and the Eastern Loss Executives' Conference.

A canvass of insurance companies here revealed that few claims have been presented thus far. No estimates of theatre loss from the storm are available.

Hold Batcheller Rites

Numerous film men and former associates attended funeral services for George R. Batcheller, president and general manager of Chesterfield Motion Picture Corp., at the home, 4570 Boston Road, Pelham Manor, Saturday afternoon. Burial was in Ferncliffe Cemetery, Hartsdale. Mr. Batcheller died last Wednesday following a short illness.

Services for H. E. Ely, Jr.

Funeral services for Hanson Edward Ely, Jr., Erpi engineer and son of Major General Hanson E. Ely, former commandant of the Army War College, Second Corps Area, will be held at the family home in Orange, N. J., today. Mr. Ely, who was 42 years old, died last Thursday in Orange Memorial Hospital.

Pass Two Operator Rule

VICTORIA, B. C., Oct. 2.—Projectionists have won their long fight for two men in a booth where two machines are operated. The British Columbia Provincial Government has passed a new regulation requiring that both men be licensed and that they shall be on duty at all times.

Hellman Takes Troy Spot

ALBANY, Oct. 2.—Harry Hellman, who owns the Royal and Paramount, neighborhood theatres here, has taken over the Fifth Avenue in Troy, formerly owned by Jake Rosenthal, who died in June.

Renovate Calgary House

CALGARY, Oct. 2.—Famous Players Canadian Corp. is modernizing the Capitol here at a cost of about $40,000. It includes erection of a large marquee, trimmed with stainless steel.

Critics Here Find 'Drums' And 'Too Hot' Entertaining

New York's daily paper reviewers found "Drums" entertaining, beautifully photographed and effective drama, and "Too Hot to Handle" exciting, fast-paced melodrama with more than a little comedy. Excerpts from their reviews follow:

"Drums"

Herald Tribune—A colorful, exciting picture . . . engrossing entertainment . . . a generous spectacle.

Journal American—Easily one of the best of the British imports . . . an impressive spectacle . . . stirring entertainment.

Mirror—Distinguished by beauty of color, vigor of action, drama of plot. . . . A superior production.

News—Outstanding production . . . thrills and beauty . . . caught and sustained breathless suspense.

Post—Good . . . the picture builds to a rousing climax. . . . Close to the top among pictures of that kind.

Sun—A grand, rousing melodrama. . . . Photographed in the most believable color yet to reach the screen.

Times—Endowed with a number of cinematic virtues.

World Telegram—Superbly photographed . . . grand adventure entertainment—fast, exciting, thrilling.

"Too Hot to Handle"

Herald Tribune—High class screen treatment . . . handsome effect. . . . Terrific pace, suspense and excitement.

Journal American—Not since the old time serials has so much action been packed into any one picture. . . . Bangup adventure yarn.

Mirror—Will provoke squeals of delight from Gable and Loy fans. . . . It is a merry melodrama, a blend of thrills and hilarity.

News—Has both quality and quantity. . . . Everything that goes to make up a first class comedy. . . . Thrilling and funny entertainment.

Post—A ribald and stimulating cinema concoction.

Sun—A tough, melodramatic comedy . . . always diverting. . . . Moves at a machine gun pace.

Times—Entertaining melodrama.

World Telegram—As bright and entertaining a comedy as one could hope to see. . . . It moves with the speed of a machine gun bullet.

◂ Purely Personal ▸

SIDNEY R. KENT, president of 20th Century-Fox, and CHARLES E. MCCARTHY, advertising and publicity director, are due from studio conferences today.

•

JOHN MARK, Paramount story editor in London, will arrive today on the *Queen Mary* and will return Wednesday on the same ship. Merely a vacation.

•

DOUGLAS FAIRBANKS accompanied by his wife are due on the *Queen Mary* today. Also JUNE LANG and HENRY OSCAR, stage producer.

•

WALTER SELIGMAN, manager of the Criterion, is the composer of a song, "My Heart Went Walking," which is being featured in night clubs.

•

STUART ERWIN arrived from the coast over the weekend to start in the film WILLIAM K. HOWARD will produce at Eastern Service Studios.

•

MARC LACHMANN, recently appointed exploitation director for 20th Century-Fox, is due here in about a week, the home office reports.

•

AL SHERMAN of Columbia was the recipient of numerous gifts from friends before he sailed Saturday for London on the *Britannic*.

LADISLAUS SZUCS, former Berlin and Vienna film producer, is due shortly from abroad and plans to go to Hollywood.

•

MRS. HERMAN WOBBER, wife of the 20th Century-Fox sales chief, and their young daughter arrived Friday from their home in San Francisco.

•

FRANK SELTZER, director of publicity and advertising for HAL ROACH, will arrive in town this morning for conferences with Mr. Roach.

•

ADRIAN ROLLINI and his Trio, featured at the Hotel Piccadilly, have been signed for a Vitaphone short.

•

SABU, who is starred in "Drums," will end his publicity tour tomorrow and will leave on the *Paris*.

•

JOHN NATHAN, Paramount managing director in the Argentine, left yesterday for a visit to the coast.

•

J. CHEEVER COWDIN, Universal board chairman, will sail for London Thursday on the *Queen Mary*.

•

DAILEY PASKMAN'S and SIGMUND SPAETH'S "Gentlemen Be Seated" has been acquired by M-G-M.

•

Y. FRANK FREEMAN is expected back in New York today from New Orleans.

Sam Shain Quits Variety

Sam Shain, veteran editorial worker for *Variety*, resigned from the staff of that publication Saturday. He was an intimate associate of the late Sime Silverman, founder of the publication. His future plans are in preparation.

K. T. Collins Recovery

INDIANAPOLIS, Oct. 2.—Kenneth T. Collins, manager of the Apollo, is recovering at Methodist Hospital from an emergency appendicitis operation. Clyde Willard is temporarily in charge of the house.

Contest Winners End Their New York Stay

A theatre party to see "I Married an Angel," climaxed by a visit backstage with Zorina, star of the show, on Friday, and attendance at the Belmont races on Saturday, ended the formal program of entertainment arranged for the winners in the July Contest conducted by the Managers Round Table of *Motion Picture H[illegible]ald*.

The winners, Rex Williams, Hoosier Theatre, Whiting, Ind.; Harry Rubin, Tivoli, Michigan City, Ind.; J. P. Shipley, Dunkin, Cushing, Okla., and William Saxon, Loew's, Baltimore, left for their homes Sunday.

Ohio Houses Adding Tax to Admissions

COLUMBUS, Oct. 2.—A movement is on foot to increase admissions in the state so patrons will absorb the Ohio ticket tax as a result of suggestions made some time ago by P. J. Wood, secretary of the Independent Theatre Owners of Ohio.

Licensing Units to Meet

LONDON, Oct. 2.—An annual conference of licensing authorities covering the territory in which the London and Home County Branch operates, is planned under the leadership of the London County Council. The conference will meet every year to consider the general questions raised by the licensing of film houses.

Tri-National Starts Soon

Tri-National Films, foreign film distributing organization owned by John E. Otterson and associates, expects to start operations in about two weeks, says Carroll Trowbridge, a company official. The company plans to release about a dozen pictures.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; J. M. JERAULD, Managing Editor; JAMES A. CRON, Advertising Manager. EDITORIAL STAFF: Charles S. Aaronson, Jack Banner, Al Finestone, Sherwin A. Kane, Joseph Priore.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: Circle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office. Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

HOLLYWOOD: Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. WASHINGTON: Albee Building, Bertram F. Linz, representative. CHICAGO: 624 S. Michigan Ave., C. B. O'Neill, manager. AMSTERDAM: 87 Waalstraat; Philip de Schaap, representative. BERLIN: Steulerstrasse 2, Berlin W. 35; Joachim K. Rutenberg, representative. BUDAPEST: Szamos-Utca 7, Budapest I; Endre Hevesi, representative. BUENOS AIRES: Avallaneda 3949; N. Bruski, representative. COPENHAGEN: Rosengaarden 14: Kris Winther, representative. HELSINKI: Fredriksgatan 19C; Charlotte Laszio, representative. LONDON: 4 Golden Square, W. 1: cable address. Quigpubco, London; Hope Williams, manager. MELBOURNE: Regent Theatre Buildings, 191 Collins St.; Cliff Holt, representative. MEXICO CITY: Apartado 269, James Lockhart, representative. MONTEVIDEO: P. O. Box 664; Paul Bodo, representative. MOSCOW: Petrovski Per 8; Beatrice Stern, representative. PARIS: 21, Rue de Berri; Pierre Autre, representative. PRAGUE: Uhelny trh 2, Prague 1; Harry Knopf, representative. RIO DE JANEIRO: Caixa Postal 3558; L. S. Marinho, representative. ROME: 54 Via Della Mercede; Joseph D. Ravotto, representative. SANTIAGO de CHILE: Casilla 13300; A. Weissmann, representative. SHANGHAI: Rooms 38-41 Capital Theatre Building, 142 Museum Road; J. P. Koehler, representative. STOCKHOLM: Kungsgatan 36; Ragnar Allberg, representative. TOKYO: 880 Sasazuka, Ichikawa-shi, Chiba-Ken; H. Tominaga, representative.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and foreign $12. Single copies 10 cents.

The Age of Plenty is

Deanna Durbin

in

THAT CERTAIN AGE

with

MELVYN
DOUGLAS
JACKIE COOPER
IRENE RICH
NANCY CARROLL
JOHN HALLIDAY

Screenplay by Bruce Manning
Original story by F. Hugh Herbert
Music by Jimmy McHugh and Harold Adamson

Directed by EDWARD LUDWIG
A JOE PASTERNAK Production

A NEW UNIVERSAL PICTURE

National Release October 7th

Songs: "MY OWN", "THAT CERTAIN AGE", "BE A GOOD SCOUT" "YOU'RE AS PRETTY AS A PICTURE" WALTZ ARIA *from* "ROMEO & JULIET" & "LES FILLES DE CADIX" *by* DELIBES

MPTO Invites Producers to Product Talks

(Continued from page 1)

[illegible]rtising, and the producers an oppor[illegible]nity of hearing and answering such views.

Independent distribution executives and independent exhibitor leaders also are urged to attend the M. P. T. O. A. national convention in letters sent out over the weekend. Invitations went to W. Ray Johnston, president; Edward Golden, vice-president, and George Weeks, sales manager, of Monogram; James R. Grainger, Republic president and distribution head; Edward L. Alperson, Grand National sales manager; Clinton White, G. B. sales manager, and Charles Kranz, Malmar Pictures.

Bids have also been sent to Abram F. Myers, board chairman; Nathan Yamins, president; W. A. Steffes, H. A. Cole and H. M. Richey, directors, Allied States Association; P. J. Wood, I. T. O. of Ohio; Frank Durkee and Louis Rome, Maryland and District of Columbia exhibitor leaders; Max Cohen, president of New York Allied, and Harry Brandt, president of the I. T. O. A.

Invitations to general sales managers of all major distribution companies were sent out earlier.

Moss Drops Plan for French Film Theatre

B. S. Moss has dropped plans for a first run show window for Empress Pictures, which has a distribution program of eight French films. The decision was made because it was found that advantageous deals could be effected with theatres already showing French pictures and because with several theatres here with a foreign films policy, there is a shortage of worth while product.

Empress is now concentrating on "Carnet de Bal," and reports numerous orders on the film from theatres throughout the country. All deals are on percentage.

Mr. Moss and his son, Charles, are supervising sales, with Irving Gumberg, formerly with G. B., as city salesman. Allen Chase, formerly with Amkino, is handling general publicity.

More Houses Open In Local Territory

Several additional reopenings are reported for the metropolitan area. Louis Meyers, formerly of the Leff-Meyers circuit, has formed the Costello Theatre Corp. and has taken over the Costello from RKO which he will relight Oct. 24. The theatre was dark all summer.

Irving Margolies will reopen the Broadway, Woodcliffe, N. J., Oct. 25; Consolidated has reopened the Ascot in the Bronx, and the Minsky's have reopened the Roosevelt on East Houston St. for foreign films. Al Mackler relighted the Folly, Brooklyn, recently.

Globe Take $6,300

"Wanted by the Police" grossed $6,300 at the Globe last week.

Early Decision on RKO Plan Expected

(Continued from page 1)

situation last week, tended to discourage an early reorganization, the one because of the involuntary delay in the consummation of the plan which would result from granting the petition, the other because of the problems it would inject into the disposition of the new RKO securities in an unsettled market.

With both potentially disturbing factors apparently resolved and with indications that hearings on the plan before Federal Judge William Bondy will be concluded today without the appearance of any major creditor opposition, the reorganizers are encouraged to make final decisions on management.

Ernest W. Stirn, holder of 1,234 shares of Class A stock, on Friday filed objections to the plan and to the report of Special Master George W. Alger recommending adoption. The objections made a number of charges against the Atlas Corp., including an allegation that Atlas made an unlawful agreement with an unnamed director of the Irving Trust, trustee of RKO, to share a portion of the profits with him in payment for his assistance and advice.

WASHINGTON, Oct. 2.—Sources close to the Securities and Exchange Commission emphasize that the Commission had not sought to enter into the reorganization proceedings before Federal Judge William Bondy in New York in the reorganization of RKO, and that the request for its participation made by a stockholder was solely on the stockholder's initiative. The Commission officials have indicated complete agreement with Judge Bondy that the RKO case, which began long before the adoption of the Chandler Act, which grants the Commission certain restricted rights of participation if the court agreed, was not one in which the SEC should seek to intervene, particularly now that the RKO reorganization plans have reached a point where they may be closed soon.

Republic Aims for 2,000 New Accounts

(Continued from page 1)

Last year the company sold 7,000 accounts.

"Our greatest surge of new business," he said, "has been with circuits. We have closed or are closing with circuits such as virtually all of Warner, Metro in New York, RKO in many situations, Great States Interstate of Texas, Interstate of Boston, Interstate of Maine, and New England and Butterfield." Grainger said he was closing new deals with Republic franchise holders for continuation of their contracts. New pacts for five years have been consummated by virtually all of 17 franchise holders, he declared.

Delay Assault Hearing

Hearing has been postponed to Oct. 7 on the felonious assault charges against two striking employes of Du Art Film Laboratories who are alleged to have attacked two men who refused to strike. The defendants have furnished $500 bail each.

Silver Lining Stuff

Bridgeport, Oct. 2.—Matt Saunders, manager of the Loew-Poli here, believes every cloud has a silver lining. The recent hurricane gave him the idea for a contest tieup with the *Times-Star* asking readers to send in odd hurricane experiences and win free tickets to see "Too Hot to Handle." The paper featured the stunt daily on page one.

Shorts Not Forced, Declares Montague

(Continued from page 1)

M.P.T.O.A. 10-point trade practice program of two years ago.

"It has been Columbia's policy to sell its accounts always keeping in mind what can truthfully be described as fair trade practices, and at no time will it be Columbia's policy to insist on an account buying short subjects if the particular account in question does not use short subjects as a part of the regular program," Mr. Montague said.

He advocates the licensing of short subjects by a distributor in the same proportion that the distributor's feature product bears to the total number of pictures which the exhibitor uses.

Two Marquee Bills Await City Action

(Continued from page 1)

streets to include Broadway between 69th and 120th Sts., an area 100 feet east or west of Broadway between 69th and 120th Streets, 79th, 86th, 96th, 106th and 110th Sts. between Central Park West and Riverside Drive, and the west side of West End Avenue between 106th and 107th Streets. This bill has been sponsored by realty interests which seek to prevent erection of film theatres in these areas.

Prize Contest Unit Is Named by Dietz

A committee to conduct the prize contest for theatre managers, advertising and publicity men on the best local campaigns conducted in connection with the Motion Pictures' Greatest Year campaign was named Saturday by Howard Dietz, chairman of the promotion committee for the drive.

Members of the contest committee are Monroe Greenthal, William Ferguson, Alec Moss, Lou Lifton, Maurice Bergman, Arch Reeve, Mitchell Rawson, Lou Pollock and Paul Gulick. The committee will hold its first meeting at the Donahue & Coe office today to establish rules for the contest.

There are three community classifications in the competition, the first, of 100,000 population or over; second, 15,000 to 100,000 population and, third, less than 15,000 population. Prizes total $2,100.

F. W. C. to Play "Drums"

George J. Schaefer has closed a deal for United Artists with the Fox West Coast Circuit whereby "Drums" will be played in all the F. W. C. houses.

Warners Give Until Dec. 1 On Debentures

(Continued from page 1)

depositing their debentures under the plan but have delayed doing so, and others, for various reasons, have thus far deferred depositing their debentures," Mr. Warner said.

"We believe it is to the best interest of the debenture holders and the company that all debentures be deposited as soon as possible in order that the plan of exchange may become effective and thus remove the uncertainty in regard to the debentures."

Douglas G. Wagner, secretary of a protective committee formed to represent holders of the issue protesting the plan of exchange, said yesterday that the committee has not as yet opened negotiations with the company for suggested amendments. This group maintains that Warners should "offer some substantial benefit as an inducement" for granting the nine-year extension.

Capitol Argument on "Lynton" Up Oct. 11

The final hearing before Special Master Kenneth E. Walser in the infringement suit brought by Margaret Ayer Barnes and Edward Sheldon against the Moredall Realty Corp., owners of the Capitol, has been set for Oct. 11. The hearings, which have been going on for months, are being held to determine the profits at the Capitol on "Lettie Lynton."

A decision is also expected shortly in the authors' suit against M-G-M Pictures Corp., M-G-M Distributing Corp., Loew's, Inc., and Culver Export Corp. Judge Vincent L. Leibell, who heard argument on a motion to confirm a special master's award of $587,000 in July, has recently returned from his vacation.

In the action against the Capitol, the defense contends that a large portion of the profits is derived from stage shows, advertising and general good will.

Wadsworth Sues De Luxe

A suit for $100,000 damages against De Luxe Laboratories, Inc., in the N. Y. Supreme Court was revealed when Mason Wadsworth, the plaintiff, filed papers seeking permission to amend his complaint. The plaintiff, who produces commercial pictures, contends in his complaint that in Sept., 1935, he delivered the negative of "Courage of Kay" and in March, 1937, the negative of "The House That Jack Built" to De Luxe for storage.

Without the consent of the plaintiff, the complaint continued, the defendant removed the negatives to New Jersey, where they were destroyed by fire. The suit seeks $40,000 for loss of the negatives and $60,000 for loss of profits on contracts and leases.

Lecture Series to Start

The first of a series of 15 lectures on "The Cinema" will be given tonight at the New School for Social Research. The course is being conducted by Sidney Kaufman.

Short Subjects

March of Time, No. 2

(RKO)

So strikingly timely is this latest March of Time release that it must certainly merit top marquee attention from the exhibitor. Of the two episodes in the issue, the vital one is titled, "The British Dilemna," and outlines, with pictorial effectiveness, the British foreign policy which led Hitler to believe England would not interfere when he undertook his most recent territorial grab. Pictured is the method of operation of Hitler's war psychology bureau, designed to test foreign public feeling concerning German moves. The "peace at any price" attitude Hitler had counted upon suddenly changed to one of determination to fight, which was coupled with hopes for peace. In the light of the peace moves initiated, the subject is highly interesting.

The second episode, "U. S. Fire Fighters," pictures the work of the National Fire Prevention Bureau in helping to cut down the American fire hazard by preventive measures. Running time, 18 mins. "G."

"Football Thrills"

(M-G-M)

Pete Smith's is the engaging guiding voice in this "lookin' " on a handful of the most thrilling plays of the 1937 football season. The subject, of course, is extremely timely, and should not fail to attract the multitude of football fans to the box-office if properly billed. Running time, 10 mins. "G."

"Beaux and Errors"

(RKO)

Edgar Kennedy undertakes to cure his wife of her affection for her first sweetheart by inviting him for a weekend. By error, he invites the wrong man, and instead of her now portly ex-beau, a perfect physical specimen arrives. The ensuing confusion is good for several hearty chuckles. Running time, 18 mins. "G."

"Submarine Circus"

(RKO)

This Reelism is set in Silver Springs, Fla. and brings a trick underwater circus to the screen. The audience is shown how the props are set up and how the camera work is done below the surface. The circus includes submarine snake charmers, tight rope artists, an alligator fight, hula dancers and acrobats. This unusual reel should entertain the audience. Running time, 10 mins. "G."

"Fisticuffs"

(M-G-M)

A Pete Smith subject, in which Max Baer, erstwhile heavyweight champion, demonstrates a few plain and fancy tricks in the ring, and does it like a real champion, while Pete Smith provides an amusing commentary as usual, and a girl and "pug" assist on the sidelines. Running time, 10 mins. "G."

"Little Pancho Vanilla"

(Warners)

The Mexican youngster goes off to join the bull fighters in this color cartoon, and succeeds in winning the grand prize. The cartoon rates as fair. Running time, 7 mins. "G."

Hollywood Previews

"Mr. Wong, Detective"

(Monogram)

HOLLYWOOD, Oct. 2.—This is the first of four films from Monogram featuring Boris Karloff as the Americanized Chinese detective of Hugh Wiley's *Collier's* magazine stories and there is plenty about the picture to suggest that the initial series may turn out to be merely the start of a flow of "Wong" features. Mr. Karloff's characterization is inhibited by no allegiance to the late Warner Oland's pattern nor to his own fearsome previous impersonations. This Oriental is a modest, serious, commonsense type of sleuth more interested in apprehending criminals than in coining philosophical wisecracks or kidding policemen, a credible, durable and highly merchandisable personality.

The screenplay by Houston Branch is a straightforward composition directed strictly for melodramatic values by William Nigh. It has to do with the mysterious murders of three partners engaged in the poison gas trade. Ways and means by which the patient Mr. Wong solves the mystery are normal, logical and of compelling interest. The solution, of course, is not a thing to be divulged save in the picture.

Grant Withers is seen as the police captain puzzled by the proceedings, Maxine Jennings as his girl friend, Evelyn Brent as a foreign-ish lady who turns out to be no such thing, Lucien Preval, John S. Polis, William Gould, Hooper Atchley and John Hamilton as gentlemen variously involved and suspected.

The poison gas angle is of timely interest and Associate Producer William T. Lackey has been careful to keep the film strictly neutral. The time is now, the city New York.

Running time, 67 minutes. "G." ROSCOE WILLIAMS.

"King of Alcatraz"

(Paramount)

HOLLYWOOD, Oct. 2.—"King of Alcatraz" hews to the line of straight melodrama. Although a large cast participates, the theme is carried almost exclusively by Lloyd Nolan, J. Carroll Naish, Robert Preston and Gail Patrick. Produced by William C. Thomas, the film is based on an exciting screenplay written by Irving Reis. Robert Florey's direction stresses the excitement content of all the story phases.

Escaped from Alcatraz, Carroll Naish, disguised as an old woman and surrounded by his mobsters, boards a freighter. Operators Nolan and Preston, romantic rivals, preside over the radio room. Miss Patrick, loved by both, is ship's nurse. In Chinese pirate style, Naish and his minions take command of the boat. Ensues a welter of exciting goings-on with Naish and Preston alternately resisting and surrendering to Naish's orders. Comes a coup in which Nolan is seriously wounded and Preston only slightly so. To save Nolan's live, Miss Patrick operates on him, receiving instructions as to procedure from a doctor aboard another vessel via radio. The climax has Nolan and Miss Patrick settling down on a chicken ranch, where accommodations have been reserved for Preston. Audiences are left to guess Naish's fate.

Running time, 55 minutes. "A." G. McC.

"A Man to Remember"

(RKO)

HOLLYWOOD, Oct. 2.—"A Man To Remember" is a fine human interest picture. It indulges in no sensationalism either in dialogue, situations, characterizations or production effects. It merely tells the simple story of a simple old fashioned country doctor. In sequences (told in retrospect during the doctor's funeral) it exerts a potent impact upon the emotions. In natural ways that make witnesses feel that they are participants in its action rather than spectators, it tells the story of a man who put aside his own welfare to minister to the needs of his patients and his community. He has to conquer many prejudices and overcome many obstacles before he has the opportunity to enjoy the recognition and honors which a grateful citizenry belatedly tends him.

Edward Ellis creates a memorable character in the title role. Granville Bates, Harlan Briggs and Frank M. Thomas are excellent as three avaricious creditors who examine the papers that are the doctor's sole estate. The minor romantic content is capably handled by Anne Shirley and Lee Bowman, and William Henry, John Wray and Gilbert Emery are convincing in incidental roles.

Adapted from Katherine Haviland-Taylor's novel "Failure," Dalto Trumbo's screenplay is an expert example of writing as it concentrates on believable human interest and eschews anything that would try audience credulity. Similarly Garson Kanin in his first feature direction effort succeeded in keeping the story within the realm of understanding and appreciation without resorting to any artificialities.

Running time, 80 minutes. "G." G. McC.

Short Subjects

"Youth Marches On"

(Regal)

Two members of the Oxford Group, the international religious movement which has for its aim the reformation of the world by a change in human conduct, turned to the screen to portray the ideals of the group. The subject, made in England, features [illegible]cil Broadhurst as a young Canad[illegible] cowboy who is attracted by accident to the group, becomes part of it, and extolls its virtues in a bit of doggerel set to music and an appealing tune. Despite a certain amateurish touch, it gives evidence of sincerity, and those interested in the movement should be ready patrons of the subject. Running time, 20 mins. "G."

"Hollywood Graduation"

(Columbia)

Color cartoon shenanigans of high entertainment caliber. The plot good-naturedly burlesques prominent film colony personages. The animation is clever and the accompanying "business" is executed in good style. Worthwhile. Running time, 7 mins. "G."

"The Man on the Rock"

(M-G-M)

An interesting subject, enhanced by expert production and performers, this is one of the "Historical Mysteries" series. It pictures the story of Napoleon's double, who took the Emperor's place whenever necessary, and who is believed by many to have died on St. Helena, rather than the Emperor, who is pictured as having been shot trying to visit his son. Running time, 11 mins. "G."

"The Practical Pig"

(Disney-RKO)

Here they are again, ladies and gentlemen, the three little pigs, the big bad wolf, his bad little wolves, and here again the practical pig is the hero, this time by reason of a lie detector of his own invention which both detects fabrications and punishes the fabricators; including its inventor. This is an incredibly constructed apparatus, as full of laughs as of gadgets, and the story is as good and as entertaining as the one that won immortality for the porcine trio in 1933. The subject is a natural for exploitation purposes and will back up the best a showman can promise for it. Running time, 8½ mins. "G."

"Party Fever"

(M-G-M)

When the "Our Gang" kids go in for politics, the result is really amusing kid comedy, well executed. Two of the youngsters steal a leaf from the political book, compete for election as "boy mayor" and the honor of taking *the* girl to a party, but the kid whose uncle is the mayor is the winner. Running time, 10 mins. "G."

"The Early Bird"

(Mintz-Columbia)

Scrappy tells a little bird that an early bird catches the worm. A worm appears to challenge the proverb and the ensuing chase is amusing. The worm wins. The short is entertaining. Running time, 6½ mins. "G."

Brandts Plan Vaudeville in Uptown House

The Brandt circuit will inaugurate vaudeville by Nov. 1 at the Audubon, Washington Heights, as an experiment, and if it proves successful the policy, with single features, will be extended to several other theatres, according to present plans. Eight or 10 theatres may have stage shows eventually. Double bills will be dropped.

Whether the policy will be installed depends on negotiations currently in progress with Local 1, stagehands' union. The union has insisted on a wage scale equal to that at de luxe Broadway houses, which, says Harry Brandt, the circuit is unable to afford for neighbhorhood houses. The Brandts have been contemplating stage shows for a long time.

Talent is being lined up, and plans for the Audubon call for five acts of vaudeville and a featured band which will remain permanently at the house. Bookings will be handled by the RKO booking office.

That vaudeville will be revived generally this season is definitely out of the question, according to theatre men, but indications are there will be a greater use of combination stage-film policies. RKO next Saturday and Sunday will return stage shows to the 58th St. and 86th St. theatres on a basis of four shows a day for weekends only, with bookings set by the local managers. These will include amateur and professional talent.

In addition RKO will have unit shows, on a slightly more extended basis than last year, for full weeks at the Palace, Chicago, and in Columbus, Cleveland and Boston. The shows probably will be routed to Syracuse and Rochester. Providence is also under consideration.

British Production Not Changed—Goetz

Outside acquistions of British films by M-G-M will have no effect on the company's production program in England, nor will the political situation, it was said yesterday by Ben Goetz, chief of M-G-M's British production.

The company recently arranged to acquire three Gainsborough pictures and Gabriel Pascal's "Pygmalion." Mr. Goetz, who arrived Friday from the coast after conferences with Louis B. Mayer, may sail Wednesday for London to put "Good Bye Mr. Chips" in work. This will be the third of the big pictures M-G-M will make in England.

Five other films are planned, including "National Velvet," "And So Victoria," "Busman's Honeymoon," "Death on the Table" and the recently purchased "Kindling." All are plays or novels.

Jenkins in Hollywood

Hollywood, Oct. 2.—Col. J. C. Jenkins of Neligh, Neb., *Motion Picture Herald* columnist for the past 15 years, arrived here to spend his winter vacation.

Paramount in Tieup With Arkansas Band

Little Rock, Oct. 2.—Paramount has made a tieup with the University of Arkansas and will finance a trip of the university's 60-piece band to San Francisco, Nov. 17-22. The band will be at the Arkansas "Razorbacks'" game at Santa Clara, Nov. 22.

Gov. Carl E. Bailey will head the Arkansas delegation and the train will be called "The Arkansas Traveler." The picture will open here Thursday.

On the way to San Francisco stops will be made at Dallas, Abilene, El Paso, Phoenix and Tucson and the band will play at theatres showing the picture. On Oct. 20 the band will be the guests of Bob Burns at the Paramount studio.

Cliff Lewis handled the arrangements here.

Contracts Let for Two N. O. Theatres

New Orleans, Oct. 2.—Contracts have been let and work started on two houses which are scheduled for opening sometime in the fall.

United Theatres let a contract for remodeling and conditioning the Plaza, a neighborhood, recently purchased to take the place of its Capitol, destroyed by fire. The contract is for $7,000, not including equipment.

M. A. and Ira Weingrum have let a contract for conditioning a building in the business area for a new house to be known as the Regent. It is scheduled for opening with 300 seats Nov. 1.

Carolina Theatre Is Reopened

Charlotte, Oct. 2.—The Carolina, after being closed for three weeks for renovation, has reopened. The theatre has been completely redecorated. The original Spanish stucco effect has been restored and lightened in color. Additional lighting fixtures have been installed, and the ceiling chandeliers have been modernized. Wall panels on either side of the auditorium have been painted. New seats have been installed on the main floor—spaced wider apart. New sound equipment and a new screen have been installed.

Two Indiana Houses Open

Indianapolis, Oct. 2.—The English at English, Ind., and the Liberty at Pierceton, Ind., have been reopened after redecoration. Each house also has new seats.

New Trailer on "Suez"

An innovation in trailers has been brought out by 20th Century-Fox for "Suez." In the form of a five-minute "Believe-It-Or-Not" Ripley short, the trailer is available to exhibitors playing the film. No charge is made but exhibitors are required to advertise the subject as a short. Two hundred prints have been struck off of the trailer, which was made in the east and is in sepia.

Irving Hillman Promoted

New Haven, Oct. 2.—Irving Hillman, assistant manager at the Roger Sherman, has been made manager of the Capitol, Danbury. Jack O'Connell, chief usher, has been made assistant at the Roger Sherman. Angelo Sette has been transferred from the Broadway, Norwich, to the Springfield Capitol, and Eugene Brassil has switched from Danbury to Norwich.

Quite a Family

As a plug for the "Hardy Family" series of films, Loew houses in the metropolitan area are enrolling patrons in a Hardy Family Club.

Rev. W. C. Ryder of the Lady Queen of Martyrs Church signed the register at Loew's Inwood last week and listed his family as "2,100," the number of pupils in Father Ryder's school. So far, the circuit reports more than 100,000 members in the Hardy Club, representing some 30,000 families.

Neely Bill Support Jersey Allied Topic

Plans for the support by Allied units of a campaign to push the Neely anti-block booking bill through the next session of Congress will be outlined at the eastern regional conference of independent exhibitors sponsored by Allied of New Jersey at the Ritz-Carlton, Atlantic City, Oct. 19-21.

Abram F. Myers, national general counsel, and Nathan Yamins, national president, will be the principal speakers, and other national officers and directors will be on hand.

Mr. Myers will speak on the Government's anti-trust suit, the North Dakota "divorcement" law which is being appealed to the Supreme Court and legislation generally. The Motion Pictures' Greatest Year campaign will also be a topic.

One session will be devoted to a survey of theatres represented at the convention on the terms of their 1938-'39 contracts and an analysis of new product. Another session will be given over to discussing exhibitors' complaints.

The meeting will be the 19th annual convention of the New Jersey group, and in conjunction the New York unit will hold its first annual convention. Max A. Cohen, president of the New York group, expects 100 of its members to attend.

The total attendance is expected to be about 300, with representatives also from Masschusetts, eastern Pennsylvania, Delaware, Maryland, District of Columbia, Connecticut and other points.

The entire third floor of the Ritz-Carlton has been reserved for the convention. The trade show of equipment and accessories will be larger than usual, according to the committee, which is headed by Irving Dollinger, president. The social program includes a party at the Nomad Club on the first night and a banquet at the hotel the second night. A program has been arranged for the ladies.

Warner Club Elects

Omaha, Oct. 2.—Leon Dizon, Warner salesman, has been named president of the local Warner Club. Other officers are Etta Tatelman, entertainment; Nell Marie Johnson, welfare; Bill Wink, membership; Dorothy Laird, secretary, and Dora McLaren, treasurer.

Colman, Hume Wed

Hollywood, Oct. 2.—Ronald Colman and Benita Hume were married at Santa Barbara over the weekend.

Film Lawyers May See Arnold Again Later This Week

(*Continued from page 1*)

and the department's views on a basic approach to a consent decree, involve the three other major company defendants as well as the five theatre owning companies, subsequent conferences in Washington are expected to include counsel for all eight companies. Developments at today's meeting of counsel, however, will determine this.

Counsel for the three companies not represented at the initial Washington meeting — Columbia, United Artists and Universal—will report back to their principals after today's meeting and upon ascertaining their views on the subjects included in the Washington discussions, arrangements for a new meeting there will be made.

Answers Filed in Gary Trust Case

Chicago, Oct. 2.—Answers to the Gary Theatre Co. suit were filed in Federal Court Saturday by attorneys for the major companies, Balaban & Katz and Warner Brothers Management Corp. The answers of all the defendants are primarily the same and deny any violation of anti-trust laws. Attorneys for the defendants, Mayer, Meyer Austrian and Platt ask that the complaint be dismissed and ask costs. The defendants deny charges that they have agreements among themselves regarding sale of product or clearance. They state their sales are made according to who offers them the best deal and that clearance is set up along similar lines. They deny any conspiracy of any sort. Each defendant filed an individual answer to the questions but in practically every instance answers are basically the same.

Wall Street

Eastman Stocks Increase 6¼ Pts.

	Open	High	Low	Close	Net Change
Col.	13	13¾	13	13½	+ ⅞
Cons.	1½	1½	1½	1½	+ ⅛
Cons. pfd.	8	8	8	8	.....
E. K.	171	174	171	174	+6¼
G. T. E. ..	14⅜	14½	14⅜	14½	+1
Loew	50⅜	51	49½	51	+1½
Loew pfd...	106⅜	106⅜	106⅜	106⅜	+ ⅛
Para.	10⅝	10¾	10⅜	10½	+ ¼
Para. 1.....	84½	86½	84½	86½	+3½
Para. 2.....	10⅝	10⅞	10⅝	10⅞	+ ½
Pathe	9¼	9¼	9	9⅛	+ ¼
RKO	2⅜	2½	2⅜	2⅜	+ ⅛
20th Fox ..	25¼	25⅝	25	25½	+ ¾
W. B.	6½	6½	6⅛	6¼	+ ⅛

Light Curb Activity

	Open	High	Low	Close	Net Change
G. N.	7/16	7/16	7/16	7/16	.....
Sonotone .	1⅜	1⅜	1⅜	1⅜	—1/16
Tech.	21⅜	21⅜	20¾	20⅞	+ ¼
Univ. Corp.	3¼	3¼	3¼	3¼	.....

R K O Bonds Gain 4 Points

	High	Low	Close	Net Change
Loew 3½s '46....	101	100	101	+1¼
Para. Pict. '47..	77	77	77	+ ½
RKO 6s '41.......	66	66	66	+4
W. B. 6s '39......	77	76⅞	76⅞	+1⅞

(Quotations at close of Sept. 30)

New G.N. Sets 44 at Chicago Sales Meeting

(*Continued from page* 1)

of appointments, including six district sales managers, and stated that the sales organization would be more than doubled as the first step in building the new Grand National sales office into one of the largest in the industry.

E. W. Hammons, president of Grand National, was not in attendance at the meeting, but will be present at the New York meeting as will be Jack Skirball.

The first day's program at the meeting included brief addresses by Sam Berkowitz, representing Fine Arts Pictures, and Gordon S. White, advertising and publicity director, as well as the screening of two of seven pictures already completed. The pictures screened were "Shadows Over Shanghai" and "Frontier Scout." Both Fine Arts productions.

District Managers Appointed

District sales managers announced include the following: Morris Safier, formerly assistant to Mr. Alperson in Los Angeles, to head the West Coast district, including Los Angeles, San Francisco, Seattle, Portland, Salt Lake City, Denver and Butte; James Winn, former San Francisco manager, to head the Middle West district, including Chicago, Minneapolis, Omaha, St. Louis, Kansas City, Des Moines and Milwaukee; Ralph Kinsler, former Cincinnati manager, to the Middle Eastern district, including Cincinnati, Cleveland, Detroit and Indianapolis; James Lapidus, former Pittsburgh manager, to the Middle Atlantic district, including Pittsburgh and Washington; Jack Lamont, former Atlanta manager, to the Southern district, including Atlanta, Dallas, New Orleans, Charlotte, Memphis and Oklahoma City, and Harry Asher, former Boston manager, to the Eastern district, including Boston, Buffalo, New Haven and Albany.

Sol Edwards, formerly New York branch manager, was appointed circuit sales manager, and Peter Rosian has been moved from Cleveland to head the New York branch.

Of the six new district managers appointed three attended the Chicago meeting—Winn, Safier and Kinsler. Others in attendance included the following branch managers, salesmen and bookers: William Benjamin, Edward Brichetto, Harry Denny, George Taif, Vic Bernstein, Chicago; Lou Patz, Milwaukee; Glen Gregory, Minneapolis; Lou Levy, Des Moines, Bradley Fish, Salt Lake City; Russell Borg, Kansas City; Tom Tobin, St. Louis; Al Mertz, Dallas; Cleve Adams, New Orleans; Ralph Peckham, Detroit; Had Hull, Indianapolis; Hymie Novitsky, Bill Crystal, Omaha; Bill Nyter, Los Angeles.

Nylander Sets I.A. Meet

Hollywood, Oct. 2.—Dr. Towne Nylander, National Labor Relations Board director, has set Oct. 14 as the date for a conference between the board, I. A. T. S. E. officials, and the major studio representatives named in the complaint filed some time ago by Jeff Kibre.

Hollywood Previews

"Youth Takes a Fling"

(*Universal*)

Hollywood, Oct. 2.—There is, and always has been, a wide demand —perhaps the widest of all demands—for this type of picture, a realistic, steadily entertaining account of how two young people meet, court and marry. The two young people in this case are Joel McCrea and Andrea Leeds, the place is New York, the time is now, and what goes on between and around them is just what goes on between and around such a pair at that or any place now or any time. The story is the sort of unroutine yet unspectacular and still somehow strangely rare comedy drama that keep the multi-million circulation fiction magazines prosperous but meets their readers' eyes all too infrequently on the screen.

Myles Connolly wrote "Youth Takes a Fling" and Archie Mayo directed it, both gentlemen as if they were living it. Mr. McCrea plays a lanky Kansas farmer who has come to New York determined to ship out as a sailor but compelled to take a job as truck driver for a smart store where Andrea Leeds and Dorothea Kent are employed as sales girls, unsophisticated and sophisticated, respectively. Frank Jenks plays the wisecracking truckman who works and rooms with the would-be sailor and conducts his own flippant courtship of Miss Kent while she, he and Miss Leeds negotiate the romantic entrapment of Mr. McCrea. The ways and means of this undertaking are normal, intelligent, amusing, but succeed only because the Kansan finally gets promise of a sea berth and becomes seasick on the tug taking him out to his boat.

The picture is a Joe Pasternak production brilliantly executed by all hands. Mr. McCrea is at his best, Miss Leeds is strikingly effective as the girl in love with him, Mr. Jenks has had no more congenial assignment in easy memory and Miss Kent turns in a spanking portrayal of the lively young lady who knows all the answers. It's a natural for any kind of audience any place any time.

Running time, 80 minutes. "G." Roscoe Williams

"Down in Arkansas"

(*Republic*)

Hollywood, Oct. 2.—Humor, music, romance and melodrama are mixed in "Down In Arkansas," a hillbilly story. The Weaver Brothers and Elviry, repeating a routine which they made familiar to the stage and radio and in other pictures are featured. They also participate in the straight story in which Ralph Byrd, June Storey, Pinky Tomlin, Berton Churchill and Guinn Williams are the principals.

The Government wants to buy the mountain community in order to build a dam. The settlers are promised modern new homes. Romantic rivalry crops up between Byrd, a Government agent, and Williams, a mountain yokel, over Miss Storey. To forestall the Government, a private power company, desiring to protect its vested interests, hires gangsters to start mountaineers feuding among themselves and fighting Byrd. There is much excitement and fun until Elviry and Miss Storey ally themselves with Byrd. The power company is bested and the hillbillies enter upon a more abundant life. Byrd also wins the girl away from Williams.

Dorrell and Stuart McGowan wrote the original screenplay. Walter Kent and Eddie Cherkose composed the musical number. Nick Grinde directed.

Running time, 65 minutes. "G." G. McC.

N. O. Exchange Wins

New Orleans, Oct. 2.—The New Orleans exchange of Grand National has just been advised that it was the victor in the nationwide cash collection drive extending over 10 weeks, conducted by Grand National. Cleve Adams, branch manager, will attend the Grand National showing of new product in Chicago Oct. 1 and 2.

Reelect John Kunstmann

Sheboygan, Wis., Oct. 2.—John Kunstmann, Jr., Sheboygan, has been reelected president of the Wisconsin Association of Stage Employes and Projectionists, together with the other officers as follows: Ralph Percifield, Beaver Dam, vice-president; S. J. Thomas, Racine, secretary, and Stanley Przlomski, Kenosha, treasurer.

NLRB Sets Painter Vote

Hollywood, Oct. 2.—The National Labor Relations Board has ordered a special election to be held next week to determine whether 350 painters employed in 12 studios should be represented in collective bargaining by Motion Picture Painters Local 644, of A. F. L., or the Scenic Arts Association of America, Inc., non-labor affiliate.

Murphy Calls Off Deal

Seattle, Oct. 2.—Marcus Murphy has reconsidered his deal with Elden Pollock for the operation of the New Mission in Mount Vernon, and will continue to operate the house himself. Pollock will retain the management of the Roxy and Liberty.

Report Allied Here Has 22 Complaints

A total of 22 complaints have been received by Allied of New York in response to its call to independent exhibitors in the state to submit statements of fact concerning grievances which can be used by the Department of Justice in prosecuting the anti-trust suit, according to Harry G. Kosch, counsel for the unit.

Mr. Kosch said that the griev[illegible]s concern chiefly clearance and zoning and the forcing of shorts. The majority of complaints are from upstate it is understood.

The statements of fact are submitted to the grievance committee of the local unit, if on investigation they are found to have merit. The committee attemps to conciliate the differences, but if this is unsuccessful, the statements are then sent to Thurman Arnold, assistant U. S. Attorney General. If, on investigation, the department finds that the facts are as represented, the complaining exhibitor is then asked to submit a covering affidavit.

These affidavits, according to Allied plans, will be used by the Government in event a temporary injunction is asked against the defendants in the anti-trust action.

Warners Get Behind "Independence" Film

Warners are planning an extensive campaign on "The Declaration of Independence," the latest in the series of two-reel Technicolor subjects on American patriotic themes. As a preliminary, Norman H. Moray, Vitaphone sales manager, will be host to the press next Thursday at a luncheon and screening of the film.

"We sincerely believe this series is an important one, particularly so in these troublous times when the nation is faced with 'isms' of all kinds," Mr. Moray says. "Give Me Liberty," one of the series, won the Academy award. Another, "Lincoln in the White House," is in work.

Production Budgets Told at SDG Hearing

Hollywood, Oct. 2.—To present a picture of the motion picture industry's value to Hollywood and Los Angeles in National Labor Relations Board records, board attorney William Walsh on Saturday introduced in evidence at Screen Directors' Guild hearing questionnaires filled out by M-G-M and Universal showing expenditures of $52,000,000 here during the last fiscal year for production.

M-G-M declared it made 39 features and 67 shorts for $32,000,000 and Universal 44 features and 20 shorts for $20,000,000.

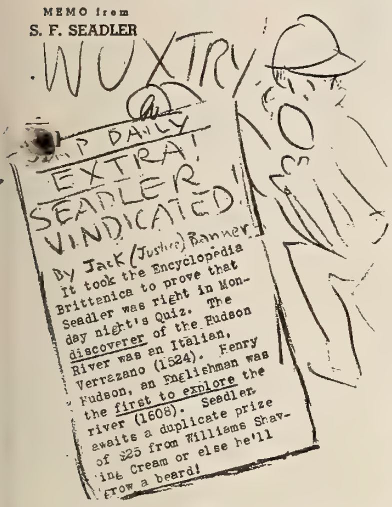
Quits Universal Branch

Seattle, Oct. 2.—Al Bloom has resigned from the local Universal exchange and is establishing a film booking service for independent theatres. He will operate under the name of Exhibitors' Service Bureau.

Westland Takes 2 Houses

Denver, Oct. 2.—J. B. Melton has disposed of his two Victory theatres —the New Victory and Victory No. 2 —to Westland Theatres, Inc. Melton will retire from the theatre business and will move to Florida.

Banner LINES



It took the Encyclopedia Brittenica to prove that Seadler was right in Monday night's Quiz. The discoverer of the Hudson River was an Italian, Verrazano (1524). Henry Hudson, an Englishman was the first to explore the river (1608). Seadler awaits a duplicate prize of $25 from Williams Shaving Cream or else he'll grow a beard!

▼

Alton Cook, *World-Telegram* radio editor, paid $800 for a boat, and along came the hurricane, doing damage to the Cook boat to the extent of $750.

▼

Al Roth, NBC bandleader, discovered his car stolen the other morning and inserted the following ad in the newspapers: Will the person who stole my car kindly check the battery and have the oil changed tomorrow.

▼

In an NBC elevator the other day one young lady asked her companion what she thought of the European situation. The reply: "I don't know, but H. V. Kaltenborn says ——."

A gentleman in the lift disgustedly muttered something at the mention of the CBS news analyist's name. The gentleman was Bill Hedges, NBC vice-president.

▼

Climaxing the coverage of the European crisis, both NBC and Mutual scored important scoops. NBC was first on the air with the official text of the agreement signed by Premiers Chamberlain, Daladier, Mussolini and Hitler, beating its earliest competitor by 46 minutes, and the next earliest by more than two hours. Mutual, by a pickup from BBC, was the only network to report Mr. Chamberlain's return to England at the Heston Airport following the peace conference, and to carry his words that there never shall be a war between the German and Great Britain.

—JACK BANNER

Set New Mutual Serial

A new daytime radio serial titled, "Two on a Shoestring," will begin over Mutual, Oct. 10, Mondays through Fridays from 2 to 2:15 P. M. The Oakland Chemical Co. will sponsor. The program will be broadcast over WGN, WAAB, WCAE, WFIL and WOR, originating in the studios of the latter station. Honey Dean and Eleanore Phelps will be featured.

Chorus to "Town Hall"

The Lyn Murray Chorus, directed by the CBS orchestra leader and arranger, has been signed as a regular feature of the Fred Allen "Town Hall" series, which will return to the air Wednesday.

Film Query By NAB Is Clarified

WASHINGTON, Oct. 2.—Ed Kirby, National Association of Broadcasters public relations director in charge of the recent picture questionnaire, stated here Saturday that the round-robin query sent to radio stations throughout the country was "in no way to be construed as an attempt to antagonize the motion picture industry."

"We are merely trying to avoid a future repetition and establish the value of radio to the cinema industry in the advertising field. We feel that the responses when tabulated will reveal a surprising amount of radio time has been devoted to picture promotion—with most of it free."

Mr. Kirby pointed out that if the Association had not taken steps to make the check, numerous complains would have poured in to "M.P.A.Y.B.E." headquarters from individual stations as a result of the ignoring of radio in the advertising campaign.

"Rather than bring about an unpleasant situation which might very easily have precipitated a foolish war between the two industries, we decided to handle the subject in a calm and sensible fashion," said Kirby.

"A cursory glance through the returns to date reveals that out of 347 replies all but one of the stations feel they have a legitimate complaint. Sole dissent came from a station manager who felt that the query had missed the boat—that the matter should have been adjudicated before the campaign got under way. Otherwise the replies were as one in stating that radio had been slighted."

Agreement Reached To Broadcast Games

Through an agreement reached last Friday with K. M. Landis, high commissioner of baseball, all the networks will broadcast the World Series games. In all probability, the games will be carried also by a majority of the local New York stations. The games, as in previous years, will be broadcast on a sustaining basis.

The series begins Oct. 5. NBC, for the first time, will offer separate broadcasts of all games on both the Red and Blue networks. The games will be covered for NBC by Red Barber of WLW, Cincinnati; Tom Manning, Cleveland; George Hicks and Paul Douglas on the Red. Al Reswell, KDKA, Pittsburgh; John O'Hara, KIUK, St. Louis, and George Higgins of WTCN, Minneapolis, will describe the games on the Blue.

For CBS, Francis Laux of KMOX, St. Louis, and Bill Dyer, WCAU Philadelphia, will handle the games.

Arrange 35 Broadcasts

SAN FRANCISCO, Oct. 2.—Thirty-five weekly broadcasts of "Romance of the Highway," live talent dramatic show, have been set on KFRC and Mutual-Don Lee stations in California and Oregon for Pacific Greyhound Bus Lines, by the Beaumont and Hohman agency. Other new KFRC accounts include Wheatena Corp., Albers Bros. Milling Co., Remar Bakery and Spreckels-Russell Dairy.

O'Neill Lines Draw FCC Ire Against NBC

WASHINGTON, Oct. 2.—The National Broadcasting Co., which last December was subjected to an official reprimand from the Federal Communications Commission for allowing the appearance over its facilities of Mae West in the "Garden of Eden" skit on the Chase & Sanborn Hour, has again run into difficulties with the commission for broadcasting "profane and indecent lines" of Eugene O'Neill's play, "Beyond the Horizon."

Stations Must Defend "Morality"

By a vote of four to one at a recent commission meeting, all radio stations which carried the radio version of the play on the NBC-Blue network July 28 must now defend the morality of the drama's lines. "Beyond the Horizon" was broadcast as a part of the network's series titled "Pulitzer Prize-winners."

The penalty is a possible silencing of the stations which carried the program. Approximately 30 stations carried the program, which was a sustaining presentation.

The one dissenting vote at the commission meeting when the decision to censure NBC was made was cast by Commissioner T. A. M. Craven, who said that the commission, by its action, was attempting to "censor the air."

List Objectionable Words

The other commissioners held, however, that O'Neill's "damn," "hell" and "for God's sake" was a violation of the law banning indecent and obscene language from the air. The members who found the lines "indecent" were Judge Eugene O. Sykes, Paul A. Walker, George Henry Paine and Thad Brown. Commissioner Norman Chase and Chairman Frank R. McNinch were absent.

NBC, it is understood, is prepared to make a fight on the censorship powers of the F.C.C. They maintain that they arranged to present the Pulitzer prize winning plays as a direct result of the pleas by the Federal authorities to present programs of an educational nature.

Australia Joins in Canada Talent Loans

MONTREAL, Oct. 2. — Canadian Broadcasting Corp. has announced an extension of the scheme of exchanging producers which was introduced last year with the BBC. Australia has adopted the plan and is to send a program official to Canada on six months' exchange for J. Frank Willis, who is in charge for CBC in the Maritime Provinces.

George Young has been appointed acting program director of the Maritime region and will have as his senior producer W. E. S. Briggs of CBO. Ottawa. R. E. Anderson, who has been with Frank Willis at Halifax, will return to CBO as senior producer. Lance Sieveking of the BBC will sail for Canada Oct. 8 on six months' exchange for Rooney Pelletier of CBM, Montreal, who reached London this week.

Paper, KSFO In Break Over Printing Logs

SAN FRANCISCO, Oct. 2.—An open break between a newspaper and a radio station over presentation of news of the European war crisis occurred here when the *San Francisco Examiner* dropped the program log of KSFO, CBS station here. The newspapers some time ago banned radio editorial matter from their columns, but continued to print logs. Station Manager Philip G. Lasky in two talks over his own outlet characterized the *Examiner's* action as "professional bitterness." The *Examiner* declared the logs were omitted due to their inaccuracy because of wholesale dropping of scheduled broadcasts.

Praises International Coverage

Mr. Lasky, in his talks, declared that the network has received highest praise for the excellent manner in which it has covered the international situation, and said it was particularly unfortunate that at a time when world news is in the making, and when radio and the newspapers were striving their utmost to bring to the public the developments as they occur, that there should be room for professional bitterness. He said that in most instances newspapers have learned to live comfortably with radio. He said it has been proved that the two great sources of public information are not competitive beyond limitations favorable equally to both mediums.

He upheld the network's action in dropping scheduled programs for international broadcasts as a public service, and said the cancellations of regular programs cost the network thousands of dollars in commercial fees.

The *Examiner*, in its notice of cancellation of the KSFO log, said a log was of value to readers only to the extent of its accuracy. To list programs which subsequently were not broadcast, it stated, is to give readers "utterly false information." Concluding, the notice stated that the "*Examiner* refuses to print these fake programs and therefore is eliminating the offending stations from the logs as rapidly as the offences are discovered."

KSFO was the only station dropped.

Set "Lone Ranger" Tieup

CINCINNATI, Oct. 2.—A "Lone Ranger" tieup with the *Cincinnati Enquirer* has been affected by L. B. Wilson, president and general manager of WCKY. The *Enquirer* has just started running the new "Lone Ranger" comic strip, in connection with which the paper calls attention daily to the WCKY broadcasts. Conversely WCKY reminds listeners on Mondays, Wednesdays and Fridays to look for the *Enquirer* comic strip. The broadcasts are sponsored by the local Schulz Baking Co.

Renew Gulden Serenaders

The Gulden Serenaders, Dwight Latham, Guy Bonham and Wamp Carlson, have been renewed by the same sponsor and will be heard twice weekly at 6:30 P. M. Wednesdays and Fridays over WJZ. Peg La Centra will continue with the show.

Versatile

DU PONT

To be truly versatile, a negative film must have speed, fine grain, and wide latitude.

Actual experience establishes that Du Pont Superior Pan effectively combines these qualities. They make this film the natural choice for good pictures.

Du Pont Film Manufacturing Corporation
INCORPORATED

9 Rockefeller Plaza
New York. . . . N. Y.
Plant . . Parlin, N. J.

SMITH & ALLER, LTD.
6656 Santa Monica Blvd.
Hollywood . . . California

BETTER THINGS for BETTER LIVING through CHEMISTRY

FILE COPY
DO NOT REMOVE

Alert.
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE
DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

[illegible]L. 44. NO. 66 NEW YORK, TUESDAY, OCTOBER 4, 1938 TEN CENTS

20th-Fox Has 2 Million in Its Ad Budget

$100,000 Listed To Be Spent on "Suez"

The investment of 20th Century-Fox in the world-wide exploitation of some 52 feature releases this season will run about $3,000,000, including some $750,000 to be spent on newspaper and fan magazine ads on the bigger percentage specials, according to the home office.

The total takes in also cooperative newspaper ads, press books, exploitation tieups and maintenance of the New York and studio publicity departments.

An expenditure of more than $100,000 has been budgeted for the campaign on "Suez," the company's next big special, which will have a national release Oct. 28. As outlined yesterday by Charles E. McCarthy, advertising and publicity head, four-color ads on full bleed pages will be used in national magazines for the first time by any film company. Also, a big newspaper campaign is being prepared.

A campaign comparable to that given roadshows will be devoted to the pre-release opening of "Suez" at the Roxy on Oct. 14, with heavy newspaper space breaking here the Sunday previous, a full showing of New York billboards and American Express delivery trucks.

J. J. O'Connor Guest At RKO Staff Dinner

John J. O'Connor was honor guest at a beefsteak dinner in the College Room of the Astor tendered last night by company officials and about 50 RKO theatre managers of the metropolitan district.

Among those present were Leo Spitz, RKO president; Ned E. Depinet, vice-president; Major L. E. Thompson, Malcolm Kingsberg, A. H. McCausland, Leon Goldberg, W. G.

(*Continued on page* 4)

See Delay in B. & K. Action on Thursday

Chicago, Oct. 3.—It is understood in exhibitor circles here that attorneys for the defendants in the independents suit against B. & K. will ask for another extension when the case comes up for trial on Thursday.

The lawyers are reported to require more time for the preparation of a defense.

Trade Practice Course May Be Decided Soon, Says Kent

The distributors' trade practice committee may decide this week whether to continue its efforts on a program of self-regulation or drop them entirely, depending on the decision of company attorneys, it was indicated with the arrival yesterday of S. R. Kent, president of 20th Century-Fox and a committee chairman, from two weeks of coast conferences.

Mr. Kent said the lawyers have not as yet stated their position, but that he expects to meet with them tomorrow or Thursday to determine if they have arrived at a decision.

He indicated that the lawyers' position may be influenced by the attitude of Thurman Arnold, assistant U. S. Attorney General, as expressed at the Washington conference last week. He also said he understands that additional meetings with Mr. Arnold may be necessary.

When the committee suspended its activities early in August, Mr. Kent declared that the Government's anti-trust suit placed a new complexion on the situation and that the problems facing the various companies must be studied carefully before anything is done. He indicated that the pendency

(*Continued on page* 4)

U. A. Due to Elect Silverstone Friday

The election of Maurice Silverstone to the presidency of United Artists, which was deferred by the company's board of directors at the September meeting, is scheduled to take place at a board meeting to be held here Friday.

Samuel Goldwyn may come on from the coast for the meeting unless pro-

(*Continued on page* 4)

Hal Roach Is U. A.'s Guest at Luncheon

Hal Roach was guest of honor yesterday at a luncheon given in the Luncheon Club atop the RCA Building. The occasion was given to celebrate the delivery of Mr. Roach's first print to United Artists—"There Goes My

(*Continued on page* 4)

Pioneers to Join Tablet Ceremonies

Industry pioneers will join with its present-day representatives in the program dedicating the site of the first commercial showing of motion pictures at the 34th St. side of R. H. Macy & Co., today.

Among those who will be present at the dedication of a bronze tablet marking the site of the old Koster & Bial

(*Continued on page* 5)

Briskin, Schneider, Montague Re-Signed

New employment contracts and stock purchase options for Samuel J. Briskin, Columbia studio executive; A. Schneider, treasurer, and A. Montague, general sales manger, were approved yesterday at the annual meet-

(*Continued on page* 5)

Paris Industry Back to Normal As Film Staffs Are Demobilized

By PIERRE AUTRE

Paris, Oct. 3.—Normal work was resumed in French studios today with the gradual return to work of those of the production staffs who were called to the colors.

A combination of happy relief that war was averted and the more prosaic fact that the weather was rainy gave Paris first run houses, newsreel theatres and houses in the neigborhoods a record business day yesterday. Raymond Luissiez, president of the Exhibitors' Association, has asked distributors to reduce their flat rental prices and minimum guarantees for theatres which were affected during the past two weeks by the international crisis. In addition to bad business, some theatres had to close because the managers and staffs were mobilized, or because the theatres were requisitioned to house soldiers. A joint distribution committee of exhibitors and distributors has been formed to study the situation of theatres most affected by events.

Expect Court Approval for New RKO Plan

Decision Is Reserved as Hearings Are Ended

Acceptance of the proposed plan of reorganization for RKO virtually was assured yesterday when Federal Judge William Bondy reserved decision at the conclusion of the hearings. Judge Bondy indicated that he would not disturb the findings of Special Master George W. Alger unless there was no evidence to support the special master's ruling that the plan is "fair, equitable and feasible." All major creditor and stockholder interests united in approval of the plan, although some asked for minor modifications.

The court also reserved decision on the request of Ernest W. Stirn, holder of 1,234 shares of unconverted Class

(*Continued on page* 4)

Film Cases Are Up Before High Court

Washington, Oct. 3.—Facing a record-breaking docket of more than 400 cases, the U. S. Supreme Court met today for its 1938-'39 term, during which it is expected to render decisions in a number of suits involving motion pictures.

Several film cases already have been filed, and the first suit on the docket—probably to be heard Oct. 10 when the

(*Continued on page* 4)

London Reports

Hope Williams, London manager, Quigley Publications, reports:

By the time you receive this Herr Hitler will either have climbed down a bit or we shall be at WAR. It is the one and only topic of conversation among all classes of people; we are all getting our gas masks and John Barnes* was called from the office this morning to report for duty with the Air Force. I am glad to report that en route to the Aerodrome he called on Gabriel Pascal and signed him for two pages in FAME.

***Advertising representative, QP, London.**

GN to Finish Its New Sales Setup Shortly

With an initial group of new pictures already completed and several in work or being prepared, Grand National Pictures is in a position to begin distribution immediately.

The new sales organization will be completed with the appointment of men to the remaining vacancies this week. The final sales meeting will be held at the St. Moritz next Saturday and Sunday, at which the final appointments will be announced. The first appointments were made known at the Chicago meeting.

Grand National has five completed pictures ready for release with the formal start of operations. Four additional features are in work and several more in preparation. The completed pictures are "Shadows Over Shanghai," with James Dunn and Ralph Morgan; "Frontier Scout," with George Houston; "Cipher Bureau," a spy story with Leon Ames and Joan Woodbury; "Sunset Strip Case," with Sally Rand, and "Titans of the Deep," based on the bathysphere expeditions of William Beebe and Otis Barton.

"Seven Seas" In Production

In production are "Seven Seas," "Never Mind the Guard," "Empire of the West" and "Wonder World." Among the pictures in preparation is "Exile Express," the first of two starring Anna Sten.

Other titles on the new company's schedule of 44 features are "Snake Bite," from the Robert Hitchens story; "Alimony Racket," by Gouverneur Morris; "Uptown New York," by Vina Delmar; "Two Kinds of Love," by Ursula Parrott; "Recklessness," by Eugene O'Neill; "Summer Resort," by Edna Ferber; "The Racket King," by Rex Beach; "Where Lonely Ladies Walk," by Tiffany Thayer; "What Price Paradise," by Sada Cowan; "The Way of All Women," by Faith Baldwin; "My Son," by Martha Stanley; "Snow Covered Wagons," by Julia Cooley Altrocci; "Oh, Susannah," Bernard McConville's musical romance; "Slave Trader" and "Jitterbug."

At least 26 of the 44 features are scheduled to be made by Fine Arts Pictures, headed by Franklyn Warner.

Six of the 24 westerns scheduled will be girl-musical pictures, with Dorothy Page, radio artist. Others will be based on the "Trigger Pal" and "Troubadour of the Plains" stories.

On the short subject list of 44 are 18 two-reelers; a new one-reel series of "Treasure Chest" productions, 13 in number, and another series of 13 one-reelers featuring stage, radio and screen personalities.

Alperson East Today

CHICAGO, Oct. 3.—Edward L. Alperson concluded the New Grand National sales meet here with individual conferences. He will leave for New York tomorrow. Mr. Alperson said the sales staff was enthused over the new setup and the product schedule.

New York Preview

"The Sisters"

(Warners)

Out of the newly found entertainment vein which Warners discovered in the brilliant "Four Daughters" has come "The Sisters," from the same source. Its cast is brilliant; its production values of the highest. Above all, its story is one of virtually universal appeal.

These three sisters are three divergent personalities, with wide-apart characteristics which color their actions and reactions to love and life. In the background is the calm tranquility of a home at Silver Bow, Mont., of the quiet father who is the town's druggist, the understanding mother who watches her daughters face their problems, fight their battles.

It is essentially a sound human story, one whose counterpart might well be found in any home, anywhere, in the 1904-'08 of the film's setting, or the 1937-'38 of today. And there is drama to stir the pulses, the crashing, terrifying San Francisco earthquake, minor to the sequence of the picture's story, but fiercely impressive in its roaring kaleidoscope of terror.

The exhibitor has here a strong property to sell to his patrons, a brilliant filming of the well known novel by Myron Brinig of the same title. Anatole Litvak has welded the components of the story with skill and distinction, aided measurably by a more than competent cast. Milton Krims wrote the screenplay.

Errol Flynn and Bette Davis share the lead, Miss Davis being especially effective as the elder sister who finds happiness, then loneliness, despair and happiness again at last with the restless, irresponsible Flynn, San Francisco newspaper man who comes to Silver Bow, sweeps her back with him, then leads her an unenviable life, despite her unswerving loyalty.

Anita Louise and Jane Bryan are her sisters, the one flighty, selfish, preferring comfort to love; the other staid and anxious for security. Beulah Bondi is good as the mother, but for Henry Travers, as the father, there must surely come more demand from film patrons. It was he who contributed so much to the stage success of "You Can't Take it With You" in New York, and his quiet, almost humble way is one of vast appeal. Dick Foran, Ian Hunter, Donald Crisp and Alan Hale all contribute far more than adequate support.

Compounded of human elements, expertly stirred, the picture is a distinctive offering of merit as real entertainment.

Running time, 94 minutes. "G."

CHARLES S. AARONSON

Grainger Sets Deal With Warner Houses

James R. Grainger, Republic president, has closed a new season product contract with Warners' coast theatres including situations in California, Oregon and Washington. Assisting him were Grover C. Parsons, western district manager, and Francis Bateman, Los Angeles branch head, with Lou Halprin and Port Major acting for the circuit.

Barney Rosenthal, Republic franchise owner in St. Louis, has signed the Frisina circuit of 20 theatres in Southern Illinois.

Hold Tearle Services

HOLLYWOOD, Oct. 3.—Private funeral services were held here today at 2 P. M., for Conway Tearle, who died over the weekend. Mr. Tearle was 60 years old and had been ill for two months. He is survived by his widow, who was professionally known as Adele Rowland.

Peter Tender Passes

CLEVELAND, Oct. 3.—Peter Tender, owner with John Pekras of the Capitol, Rivoli and Lincoln theatres in Elyria and the Tivoli in Lorain, died suddenly here today of a heart attack. He was 50. He is survived by his wife and son.

Fairbanks to Make Film on the Coast

Douglas Fairbanks, Sr., will produce his planned picture for United Artists release in Hollywood next winter, according to his present plans, he reported yesterday on his arrival in New York from England on the *Queen Mary*. The picture will be based on the life of Lola Montez and may be completed in time for release on this season's schedule.

Mr. Fairbanks will be in New York for about two weeks before leaving for the coast. He plans to spend the entire winter in this country.

Para. Wagon in Capital

WASHINGTON, Oct. 3.—Bill Langford and Charles Mooshian arrived here over the weekend driving a covered wagon as advance ballyhoo for Paramount's "The Arkansas Traveler." The vehicle is due in Baltimore tomorrow.

Yom Kippur Tomorrow

Yom Kippur, the Jewish Day of Atonement, will begin at sundown today and continue through sundown tomorrow.

Hotel Astor Plans Club

The Hotel Astor is planning a club and dining room for the film industry. The Ampa may hold its meetings there this season.

John Cecil Graham Leaves Paramount

John Cecil Graham, Paramount managing director for Great Britain for the past 20 years, resigned yesterday. No successor has been designated yet, but indications are that John W. Hicks, Paramount vice-president and foreign head, who is now in London, will make the appointment in the near future.

Mr. Graham's resignation [illegible] cabled to Barney Balaban, Paramount president, from London yesterday. Mr. Balaban expressed regret and appreciation of Mr. Graham's long service with the company. Prior to his assignment to the London post early in 1919, Mr. Graham served for two years in the company's home office here as a special representative.

Golf Winners Are Named

Ira Genet, Vitaphone script writer, won first prize for the low net score at the annual golf tournament held by the studio at the Hillcrest Golf Course, Jamaica, L. I., over the week-end. Other prizes went to Sam Sax, Lloyd French, Saul Chaplin, Sammy Cahn, Roy Mack, Dick Willis, Stuart Karpf, Cy Wood, Sr., Cy Wood, Jr., Lee Stewart, Norman Moray, Ed Schreiber, George Ackerson, Milton Cohen, Gerald Marfleet, Irving Hyland, Harold Bauman, Jack Henley and Eddie Forman.

Buddy Rogers Is Injured

Buddy Rogers, husband of Mary Pickford, suffered a sprained shoulder and cuts and bruises in an automobile accident near Columbus yesterday. Miss Pickford left New York last night to be with her husband, who was reported here as resting comfortably in a Columbus hospital. Miss Pickford is expected back in New York by the end of the week.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; J. M. JERAULD, Managing Editor; JAMES A. CRON, Advertising Manager. EDITORIAL STAFF: Charles S. Aaronson, Jack Banner, Al Finestone, Sherwin A. Kane, Joseph Priore.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

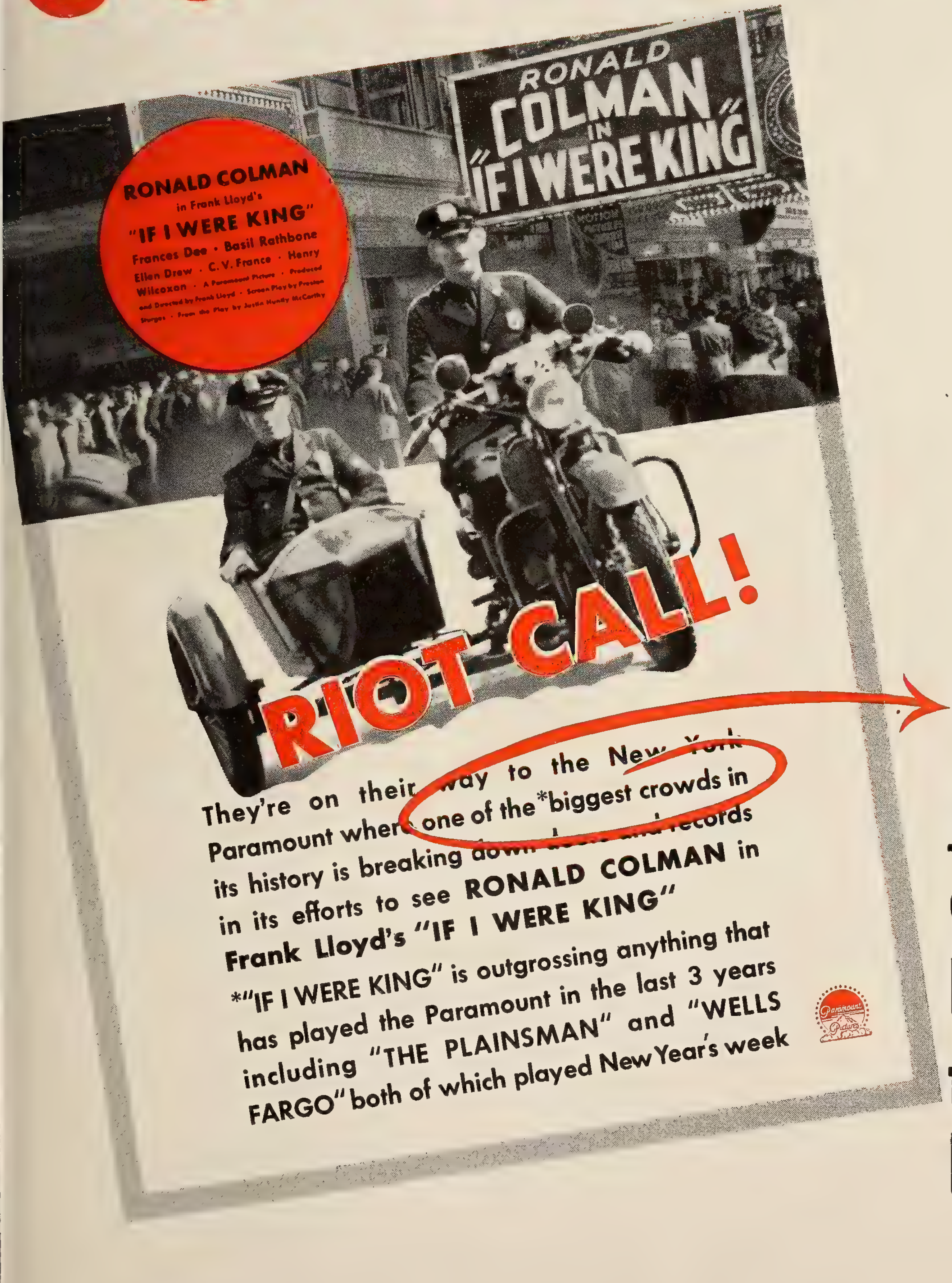
Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: Circle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office. Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

HOLLYWOOD: Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. WASHINGTON: Albee Building, Bertram F. Linz, representative. CHICAGO: 624 S. Michigan Ave., C. B. O'Neill, manager. AMSTERDAM: 87 Waalstraat; Philip de Schaap, representative. BERLIN: Steulerstrasse 2, Berlin W. 35; Joachim K. Rutenberg, representative. BUDAPEST: Szamos-Utca 7, Budapest I; Endre Hevesi, representative. BUENOS AIRES: Avallaneda 3949; N. Bruski, representative. COPENHAGEN: Rosengaarden 14: Kris Winther, representative. HELSINKI: Fredriksgatan 19C; Charlotte Laszlo, representative. LONDON: 4 Golden Square, W. 1: cable address. Quigpubco, London; Hope Williams, manager. MELBOURNE: Regent Theatre Buildings, 191 Collins St.; Cliff Holt, representative. MEXICO CITY: Apartado 269, James Lockhart, representative. MONTEVIDEO: P. O. Box 664; Paul Bodo, representative. MOSCOW: Petrovski Per 8; Beatrice Stern, representative. PARIS: 21, Rue de Berri; Pierre Autre, representative. PRAGUE: Uhelny trh 2, Prague 1; Harry Knopf, representative. RIO DE JANEIRO: Caixa Postal 3558; L. S. Marinho, representative. ROME: 54 Via Della Mercede; Joseph D. Ravotto, representative. SANTIAGO de CHILE: Casilla 13300; A. Weissmann, representative. SHANGHAI: Rooms 38-41 Capital Theatre Building, 142 Museum Road; J. P. Koehler, representative. STOCKHOLM: Kungsgatan 36; Ragnar Allberg, representative. TOKYO: 880 Sasazuka, Ichikawa-shi, Chiba-Ken; H. Tominaga, representative.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and foreign $12. Single copies 10 cents.

CORRECTION!


RONALD COLMAN IN "IF I WERE KING"

RONALD COLMAN
in Frank Lloyd's
"IF I WERE KING"
Frances Dee • Basil Rathbone
Ellen Drew • C. V. France • Henry
Wilcoxon • A Paramount Picture • Produced
and Directed by Frank Lloyd • Screen Play by Preston
Sturges • From the Play by Justin Huntly McCarthy

RIOT CALL!

They're on their way to the New York Paramount where one of the*biggest crowds in its history is breaking down doors and records in its efforts to see **RONALD COLMAN** in **Frank Lloyd's "IF I WERE KING"**

*"IF I WERE KING" is outgrossing anything that has played the Paramount in the last 3 years including "THE PLAINSMAN" and "WELLS FARGO" both of which played New Year's week

It is the BIGGEST crowd in Paramount theatre history!

Expect Court Approval for New RKO Plan

(*Continued from page* 1)

A stock, to have the provisions of the newly enacted Chandler Act applied to the present proceeding, but there is little likelihood that the petition will be granted. Mr. Stirn's request that hearings be reopened to take additional testimony on facts surrounding the 1931 reorganization was also taken under advisement, but Judge Bondy stated to Mr. Stirn's counsel that he "would have to be shown why seven years were permitted to elapse." The opponents to the plan were given 10 days to file briefs, and proponents will have five days thereafter to reply. A technical adjournment was taken until Oct. 25, but this was done merely to permit the court to retain jurdisdiction.

During the course of the argument, Judge Bondy remarked that he expected the Irving Trust Co., the trustee, to report to the court in the event the trustee regarded the plan as unfair, but representatives of Irving Trust who were present in the courtroom indicated that they did not expect to file any report attacking the plan.

Mr. Stover Attacks Atlas Group

John S. Stover, Mr. Stirn's attorney, attacked the Atlas group, proponents of the plan, as "outsiders" and urged that the trustee be called upon to formulate a plan. He also charged that Merlin H. Aylesworth, former president of RKO, was now acting as consultant to Atlas although he is still a director of Irving Trust. He also pointed out that Leo Spitz, the present head of RKO, receives additional compensation from Atlas. Mr. Stover contended that both Atlas and Irving Trust had violated a fiduciary relationship.

He asked that the court reopen the hearings to take additional testimony on the "good faith" of the proponents, and urged that all profits earned by Atlas be turned over to the debtor corporation. He also raised the question of the constitutionality of the reorganized company incorporating under Delaware laws although it is now a Maryland corporation.

Assets "Written Down"

Joseph M. Cohen, attorney for the Independent Stockholders' Protective Committee, declared that RKO assets had been "written down" from $58,000,000 to $41,000,000 in 1932 and that the revaluation had greatly reduced the stockholders' participation in the plan. He urged acceptance of the plan but asked that present common stock be exchanged at the rate of four for one instead of the proposed six for one. Mr. Cohen pointed to the $1 valuation placed on four subsidiaries which had paid $105,000 in dividends to the parent company in 1937 and had actually earned $173,000. Abraham K. Weber, who also represents common stockholders, asked that Atlas be compelled to present an underwriting agreement before the plan is confirmed.

Hamilton C. Rickaby, attorney for Atlas, answered each objection in turn. He stated that all questions had been raised before the Special Master and that his determination should not be disturbed. Carlos Isreal, for the Unsecured Creditors' Committee, and William T. Caldwell, for the Debenture Holders' Protective Committee, explained that they had worked for greater participation for their respective groups but were now convinced that the proposed plan represented the best compromise that could be effected.

Milkman Matinee

Toronto, Oct. 3.—For the first time in Canada a theatre has adopted an early morning opening as a permanent policy with the inauguration by Jules Bernstein at Loew's, Toronto, of a milkman's matinee starting at 9:30 A. M. The morning admission price of 25 cents is maintained until 1 P. M.

To Decide Soon on Practices—Kent

(*Continued from page* 1)

of the suit may make it impossible to hold meetings with exhibitor representatives on an industry trade practice program.

Mr. Kent said that with the lifting of the European tension, business is back to normal and theatre business has shown an immediate improvement.

In a special message to the sales force late last week he pointed out that when budgets were completed for 1938-'39, domestic and overseas earnings were considered, but that the disturbed condition abroad makes it important for the domestic organization to keep revenue at a maximum, "so that no part of our plans is placed in jeopardy."

Payment Ordered for Orpheum's Creditors

Payment of allowances and a distribution to creditors of the balance of the assets of Orpheum Circuit, Inc., was ordered yesterday by Federal Judge Samuel Mandelbaum in a decision which confirmed, with some modifications, the report of Referee Oscar W. Ehrhorn. Judge Mandelbaum reduced an allowance of $7,172 awarded to Marcus Heiman, trustee, to $5,500, and allowance of $24,250 to Beekman, Bogue, Leake, Stephens & Black, attorneys for the trustee, to $20,000 and disbursements of $213.

O'Melveney, Tuller & Meyers, special counsel in California to the trustee, were awarded $200. The report of the referee, which recommended payment of the balance to creditors, was confirmed in all other respects.

According to the report $104,398 is on hand, less payments of allowances for final distribution to creditors, aggregating $2,152,523. Two dividends of 27½ per cent, totaling $591,641 have previously been paid to creditors, and the referee's report recommended a final dividend of 3.2 per cent, which will be slightly increased by the reductions in allowances made by Judge Mandelbaum.

The attorneys for the trustee had originally petitioned for a $50,000 allowance. Orpheum Circuit, Inc., had filed a voluntary petition in bankruptcy on Jan. 27, 1933.

U. A. Due to Elect Silverstone Friday

(*Continued from page* 1)

duction affairs prohibit. He will be represented by James Mulvey at the meeting in the event he is unable to attend himself. Mary Pickford and Douglas Fairbanks will attend the meeting, while Charles Chaplin will be represented by Charles Schwartz and Alexander Korda by Emanuel Silverstone.

The September board meeting voted Mr. Silverstone all of the administrative powers of the office but deferred his formal election to the company presidency, due, it was reported, to a lack of unanimity on the action arising from the absence of several of the company owners at that time. This unanimity is understood to have resulted within the past week.

Hal Roach Is U-A's Guest at Luncheon

(*Continued from page* 1)

Heart."

An electric train went from end to end of the long table from time to time bearing a sign "There Goes My Heart." The locomotive whistle blew and the train stopped occasionally. It stopped finally when it collided with a silver platter of fancy cookies. There were no speeches.

Among those present were: Dr. A. H. Giannini, George J. Schaefer, M. H. Aylesworth, License Commissioner Paul Moss, Jack Alicoate, Maurice Kann, Terry Ramsaye, Colvin Brown, W. G. Van Schmus, Allen Stearn, J. M. Jerauld, Joe Vogel, Jack Harrower, E. J. Churchill, Henry Linet, John Nolan, Arthur W. Kelly, Jack Smith, William Mapes, Frank N. Seltzer, Paul Lazarus, John J. O'Connor, Ben Schlyen, Fred Myers, Max Solomon, Harry D. Buckley, Harry Gold, Monroe Greenthal, Lynn Farnol, Sam Schain, Chester Bahn, Tom Walker, Eddie Moran and Roy Chartier.

J. J. O'Connor Guest At RKO Staff Dinner

(*Continued from page* 1)

Van Schmus, O. R. McMahon, David Canavan, James Brennan, J. Henry Walters, John Dowd, Charles McDonald, Fred Meyers, William England, Charles Koerner, Tom O'Connor, Russell Emde, Louis Goldberg, Milton Maier, John Lebor, John Redmond, James Dolan, Harry Mandell, John Cassidy, Fred Herkowitz, Ed Sniderman, Al Dawson, Louis Joffe, William Whitman, Kenneth Umbreit and about 50 metropolitan district theatre managers.

Pick Steiner Orchestra

Herb Steiner's orchestra has been signed to play at the Motion Picture Associates annual dinner dance at the Astor Nov. 26. The committee is making further preparations and reports that many ads are coming in for the annual journal. A meeting will be held in two weeks.

Cleveland Scales Cut 10%

CLEVELAND, Oct. 3.—I. A. T. S. E. Local 160 has granted Cleveland independent theatres a 10 per cent cut in wage scales for a 10-week period from Sept. 26 to Dec. 4.

Film Cases Are Up Before High Court

(*Continued from page* 1)

court gets down to business—is the rehearing of the General Talking Pictures case, in which last spring the court held that the company was guilty of patent infringement in the use in talking picture equipment of amplifiers bearing license notices rest[illegible]ing their use to radio reception.

In that case, President Roosevelt's first nominee to the court, Associate Justice Hugo L. Black, rendered a dissenting opinion, on the basis of which the company appealed for a rehearing, which was granted. The rehearing will cover the two major points of the case, brought by Western Electric Co., Electrical Research Products, et al: whether the owner of a patent may restrict the use made of his device after it has passed out of his hands and into those of a purchaser, and whether a patent owner, by mere license notice attached to a device sold in the ordinary channels of trade, can place an enforceable restriction as to the use to be made thereof by the purchaser.

Dallas Case Coming Up

Another case to come before the court for a second time is the Government's Dallas suit charging that the major distributors and two Texas theatre circuits engaged in a conspiracy to restrain trade by prohibiting double features and setting minimum admission charges to be adopted by subsequent run houses. The Supreme Court last term returned the case to the District Court at Dallas with instructions to make formal findings and state separately its conclusions of law, which it had failed to do.

Double features also are involved in Vitagraph vs. Perelman, in which the distributors contended that the purpose of their ban on dual bills was to avoid a situation which would react unfavorably upon both producers and exhibitors. The Perelmans, Harry and Louis, Philadelphia independent exhibitors, charged that the rule was part of a scheme to maintain high rentals and as a protection to affiliated houses.

Constitutionality of the application of the West Virginia occupation tax to an out-of-state distributor is under fire in a case involving United Artists, while the first of several expected Ascap cases is presented in an appeal by the Florida authorities against an injunction by the Federal District Court against enforcement of a state law regulating the licensing of copyright songs.

A number of other cases of interest to the film industry are expected to be presented in the near future, among them the Washington Ascap case and the North Dakota divorce law litigation.

Reorganize Bronx Firm

Bronx Monterey Theatre Corp., operator of a house at 1942 Tremont Ave., yesterday filed a petition for a reorganization in the U. S. District Court.

The petition, which was signed by Bernard Zimetbaum, as president, listed assets totaling $22,224 and liabilities totaling $29,421. The petition attributed the financial difficulty to a poor summer season.

Pioneers to Join Tablet Ceremonies

(Continued from page 1)

music hall where the first motion picture program took place in 1896, will be Percy Waters of the old Motion Picture Patents Co.; Frank J. Marion, former president of the Kalem Co.; C. M. Wittington, secretary of the E[illegible]on Pioneers, and Mrs. J. Leon Lascoff, first cousin of the late Albert Bial, who was present at the original performance.

Speeches will be made by Will H. Hays and Jack L. Straus, the latter, vice-president of Macy's. Mrs. John E. Sloan, daughter of the late Thomas A. Edison, will unveil the tablet. Others who will attend are Hal Roach, Jules Brulatour, Mae Murray, Nino Martini and Walter Slezak. Howard Dietz will be master of ceremonies.

The program has been made a part of the Motion Pictures' Greatest Year campaign.

Washington Features "Go to Movies" Week

WASHINGTON, Oct. 3.—"Go To The Movies Week," officially designated by every first run theatre in the city will continue here through Thursday.

Part of the national campaign, it is being featured locally by the presence of extensive ads placed by local houses in the various dailies. Most of the ads are of the institutional variety with emphasis being placed on the industry plug rather than the individual picture. Papers are cooperating with editorials.

Crisis Boosts Reel Costs 20%—Talley

European developments of the last month have increased the cost of producing Movietone News more than 20 per cent, according to Truman H. Talley, producer.

The newsreel has quadrupled its staff, with camera crews in about 85 vital situations throughout Europe with the exception of Russia. An emergency laboratory has been established at Marseilles, in addition to the one in Paris.

Set Film Music Week

The week of Oct. 31 to Nov. 5 has been designated "Musical Week of Motion Pictures' Greatest Year." Orchestra leaders, musical artists, music publishers and dealers will join in the observance of the week, featuring motion picture songs and music.

Storm Benefit

Hartford, Oct. 3.—Hartford exhibitors sponsored a joint benefit for flood and hurricane disaster victims at the State Theatre on its reopening after itself suffering considerable flood damage. Paul Whiteman and his orchestra were headlined, and the theatre, additional radio talent and operators' and stagehands' services were contributed gratis.

Hollywood Letter

Hollywood, Oct. 3.

LAST week was hard on Hollywood writers. These fertile fabricators of filmable fictions, lately embattled in successful defense of their collective bargaining prerogatives and proud of laurels so won, couldn't believe their ears when Herr Hitler's personal demonstration of the art of collective bargaining came roaring in over a townful of radios. Stunned, they dialed away from Europe, only to stumble upon that Cub-Pirate game in which Gabby Hartnett made bums of Dick Merriwell and the Pittsburgh team with a ninth-inning homer such as no studio scenarist ever dared dream up. Don't blame Hollywood if the season's pictures get woozier and woozier from here on.

▼

You'll be glad to learn that genial, jovial J. C. Jenkins, the sage of Neligh, Neb., the small town exhibitors' perennial candidate for the presidency—any *presidency*—*and* Motion Picture Herald's *Vagabond "Colyumnist" these past* 15 *years and more, arrived here in the pink of condition last weekend prepared to study conditions, as the phrase is, in Hollywood studios and in those mountain areas where trout of true California proportions and mettle are reputed to abide. This is the Colonel's first visit to these parts since* 1925 *and a lot of things have changed, such as conversation replacing subtitles and Hedy LaMarr replacing Theda Bara, but the Colonel has not. There's the same old spring in his step, the unaging twinkle in his eye and on his tongue, and I got his name down on an acting contract before the agents and talent scouts found out he was in town. He says, incidentally, he isn't much interested in presidencies now, "things being what they are at this precise moment of time in this so unprecise civilization."*

▼

Walt Disney never misses a trick. So many attending the preview of his shorts program last week said they wished they'd brought the kiddies along that he's going to run the pictures over again next Saturday morning for the youngsters. Wonder if there isn't an idea for exhibitors tucked away somewhere in that.

▼

Bob Taplinger's invitation to the initial screening of Warners' "The Sisters" measured 12 by 8 inches, a new dimensional high, unless you include his scroll for "Robin Hood," which came rolled up and tubed. When the Academy finally gets around to building that building there'll have to be a room for these showmanship-at-the-source exhibits or the record of the art-industry's progress won't be complete.

▼

Nobody knows where David O. Selznick, George Cukor and Sidney Howard are going to spend that six-week hideout in behalf of "Gone With the Wind" but everybody knows it won't be Munich.

▼

That's—as Hollywood press agents say after they've got you up out of a sound sleep to tell you who hired whom to do what in which picture—it.

ROSCOE WILLIAMS

Briskin, Schneider, Montague Re-Signed

(Continued from page 1)

ing of the company's stockholders, held in the home office.

Under the stock purchase options, Mr. Briskin is authorized to acquire up to 10,000 shares at approximately $14 per share, while Mr. Schneider and Mr. Montague may acquire up to 7,500 shares each at the same price.

The retiring members of the company's board of directors were reelected. Members of the board are Harry Cohn, Jack Cohn, Leo M. Blancke, S. Bornstein, Mr. Schneider, Charles Schwartz and J. Kerner.

Mass. Allied Meeting

BOSTON, Oct. 3.—The annual business meeting of Allied Theatres of Massachusetts, Inc., is scheduled for tomorrow. Samuel Pinansky is due to be reelected president. The theatre partner of Martin J. Mullin has held the office since 1936.

Plaza Books "Old Drury"

"Peg of Old Drury," British film released here bv John E. Otterson's Tri-National Films, has been booked for a week by Leo Brecher's Plaza, beginning next Tuesday. This is the company's second release, the first being "Carnival in Flanders."

Garyn Sets 10-Year Trailer-Made Deal

Trailer-Made, Inc., has closed a deal with Pat Garyn, former general manager of National Screen Service, Inc., under which he has acquired a 10-year franchise for Trailer-Made product in Texas, Oklahoma and Arkansas.

Mr. Garyn will open offices in Dallas, under the name of Trailer-Made Service of Texas, Inc.

Name "Stars" Committee

Among the film, radio and theatrical executives who have been named to the producing committee for the fifth annual "Night of Stars" benefit, which is to be held at Madison Square Garden Nov. 16, are: Louis K. Sidney, chairman; Jack Benny, Irving Berlin, Max Gordon, Alfred J. McCosker, Barney Balaban, Jack Cohn, Nate J. Blumberg, Leo Spitz, Howard Dietz, Ernest Emmerling, Leon Leonidoff, Billy Rose, William A. Brady, Gene Buck, Major Albert Warner and Rudy Vallee.

'U' Men Go to Northwest

HOLLYWOOD, Oct. 3.—William A. Scully, general sales manager of Universal, and William J. Heineman, western sales manager, left here today for San Francisco, Portland and Seattle on film deals. Mr. Scully will return here before going to New York.

Hollywood Has 39 Pictures in Work

HOLLYWOOD, Oct. 3.—Thirty-nine pictures are before the cameras this week, one less than last week's total, as 12 finished and 11 started. Thirty-two are being prepared, and 65 edited.

Those started were: "There's That Woman Again," Columbia; "Ice Follies," "Spring Dance," M-G-M; "Ambush," Paramount; "Samson and the Ladies," "Tail Spin," "The Little Princess," 20th Century-Fox; "West Side Miracle," "Little Tough Guys in Society," "The Eagle Scout," Universal; "Secret Service in the Air," Warners.

In addition to these, shooting were: "Blondie," "Revolt in the Sahara," Columbia; "The Shining Hour," "Dramatic School," "Out West with the Hardys," M-G-M; "Say It in French," "Tom Sawyer, Detective," "Little Orphan Annie," "Riders of the Range," "'King of Chinatown," Paramount; "Gunga Din," "Law West of Tombstone," "Trailer Romance," "Lawless Valley," RKO; "Storm over Bengal," "Hawk of the Wilderness" and "Rodeo Busters," Republic; "Topper Takes a Trip," Roach; "Made for Each Other," Selznick; "Jesse James," "Up the River" and "Kentucky," 20th Century-Fox; "Buck Rogers," "Adam's Evening," Universal; "Trade Winds," Wanger; "They Made Me a Criminal," "Unfit to Print," "Crime is a Racket," Warners.

Finished were: "The Spider," Columbia; "Listen, Darling," and "Young Dr. Kildare," M-G-M; "Gangster's Boy," Monogram; "St. Louis Blues," Paramount; "I Stand Accused," Republic; "The Arizona Wildcat," 20th Century-Fox; "The Storm," "Exposed" and "Strange Faces," Universal; "Nancy Drew, Detective" and "Women in the Wind," Warners.

M-G-M started two short subjects, making four in production at the lot. Warners started one, which is still shooting. Columbia finished one, so did M-G-M. A total of 12 is being edited.

Moss May Have House

B. S. Moss, head of Empress Pictures, which is distributing eight French films, if necessary will build a theatre on Broadway, if present negotiations for a show window for his pictures are unsuccessful, he said yesterday. Mr. Moss denied that he has dropped plans for a Broadway first run outlet. The company has taken over the third floor of the Trans-Lux Building on West 49th St.

Flood Draws Crowd

Wilson, N. C., Oct. 3—Water bubbled up from the ground into the main auditorium of the Carolina here recently, but shows went on as usual.

Despite the fact that the first five rows in the auditorium were under water, crowds surged into the place. Many persons said they went in just to see the mysterious "well."

It was eventually found to be a broken water pipe.

MOTION PICTURE DAILY'S HANDY BOOKING CHART

[*Dates Are Based Upon National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After the Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action*]

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS	G. B.
Sept. 2	I Am the Law (G) (D) *Robinson*	Three Loves Has Nancy (A) (C) *Montgomery* *Gaynor*	Under the Big Top (G) (D) *Marjorie Main* *Anne Nagel*	Sing You Sinners (G) (M) *Bing Crosby* (3801)	The Higgins Family (G) (C) *James Gleason* *Lucile Gleason*	Carefree (G) (M) *Astaire* *Rogers* (837)	My Lucky Star (G) (C) *Sonja Henie* *Richard Greene* (905)		Freshman Year (G) (M) *Dixie Dunbar* *Ernest Truex* (3025)	Four's A Crowd (G) (C) *Errol Flynn* *deHavilland* (213)	Man with 100 Faces *Tom Walls* (Sept. 1)
Sept. 9	Colorado Trail (O) The Lady Objects *Gloria Stuart* *Lanny Ross*	Boys Town (G) (D) *Spencer Tracy* *Mickey Rooney* (902)	Starlight Over Texas (O) *Tex Ritter*	In Old Mexico (G) (O) *William Boyd* (3855)	Billy the Kid Returns (G) (O) *Roy Rogers* *Smiley Burnette*	The Affairs of Annabel (G) (C) *Jack Oakie* *Lucille Ball* (902)	Safety in Numbers (G) (D) *Jones Family* (906)		Personal Secretary *William Gargan* *Joy Hodges*	Secrets of An Actress *Kay Francis* *George Brent*	The Thirty-Nine Steps (Reissue) (G) (Sept. 15)
Sept. 16	Juvenile Court *Paul Kelly* *Frankie Darro*	Too Hot to Handle (G) (D) *Clark Gable* *Myrna Loy*	Mexicali Kid (G) (O) *Jack Randall*	Campus Confessions (G) (C) *Betty Grable* (3802)	Overland Stage Raiders (O) *3 Mesquiteers*	The Renegade Ranger (O) *O'Brien* (884)	Hold That Co-Ed (G) (C) *John Barrymore* *George Murphy* (907)		Black Bandit *Bob Baker* (305)	Valley of the Giants (G) (D) *Wayne Morris* *Claire Trevor*	The Lady Vanishes (A) *Margaret Lockwood* *Paul Lukas* (Oct. 1)
Sept. 23	The Stranger from Arizona (O) *Buck Jones* *Dorothy Fay*		Wanted by Police (G) (D) *Frankie Darro* *Evalyn Knapp*	Sons of the Legion (G) (D) *Donald O'Connor* (3803)	Prairie Moon (O) *Gene Autry*	Fugitives for a Night (G) (D) *Frank Albertson* *Adrienne Ames* (903)	Time Out for Murder (G) *Gloria Stuart* *Michael Whalen* (908)		Road to Reno (G) (C) *Hope Hampton* *Randolph Scott*	Four Daughters (G) (D) *Lane Sisters* *John Garfield* (359)	The Frog *Noah Beery* *Gordon Harker* (Oct. 15)
Sept. 30	You Can't Take It With You (G) (C) *Jean Arthur* Girls' School	Vacation from Love *Florence Rice* *Dennis O'Keefe* (905)	Mr. Wong, Detective *Karloff*	King of Alcatraz *J. Carroll Naish* *Lloyd Nolan* (3804)	Down in "Arkansaw" (G) (D) *Weaver Bros.* *Pinky Tomlin*	Room Service (A) (C) *Marx Brothers* (901)	Straight, Place and Show (C) *Ritz Bros.* (911)	Drums (G) (D) *Raymond Massey* *Sabu*	Youth Takes a Fling (G) (C) *Joel McCrea* *Andrea Leeds*	Garden of the Moon (G) (M) *Pat O'Brien* *Lindsay*	
Oct. 7	Crime Takes a Holiday (G) (D) West of the Sante Fe (O)	Stablemates *Wallace Beery* *Mickey Rooney* (906)	Sweetheart of Sigma Chi (reissue) *Mary Carlisle*	Touchdown, Army *Mary Carlisle* *John Howard* (3805)	The Night Hawk *Robt. Livingston* *June Travis* *Robt. Armstrong*	Mr. Doodle Kicks Off (G) (C) *Joe Penner* (904)	Meet the Girls *June Lang* *Lynn Bari* (910)		That Certain Age *Durbin* *Jackie Cooper*	Broadway Musketeers (G) *Lindsay* *Marie Wilson*	**G. N.**
Oct. 14	Flight to Fame Below the Rio (O) *Buck Jones*	Listen, Darling *Bartholomew* *Judy Garland* (904)	Where the Buffalo Roam (O) *Tex Ritter*	Arkansas Traveler *Bob Burns* *Mary Carlisle* (3806)	Song of the West (O) *Gene Autry*	A Man to Remember (D) *Anne Shirley* (905)	Five of a Kind *Dionne Quintuplets*		Swing That Cheer *Tom Brown* *Andy Devine*	The Sisters *Bette Davis* *Errol Flynn* *Anita Louise*	Renfrew on White Trail (228) (July 22)
Oct. 21	Homicide Bureau *Bruce Cabot* *Rita Hayworth*	Young Dr. Kildare *Lew Ayres* *Lionel Barrymore*		Mysterious Rider (G) (O) (3807)	I Stand Accused *Robt. Cummings* *Helen Mack*	The Mad Miss Manton *Stanwyck* *Fonda* (906)	Mysterious Mr. Moto *Peter Lorre* *Mary Maguire* (912)	There Goes My Heart ***Fredric March*** *Virginia Bruce*	Service De Luxe *Constance Bennett* *Vincent Price*	Girls on Probation (D) *Ronald Reagan* *Jane Bryan*	Utah Trail (O) *Tex Ritter* (229) (Aug. 12)
Oct. 28	There's That Woman Again *Melvin Douglas* *Virginia Bruce*	The Great Waltz *Luise Rainer* *Fernand Gravet* *Miliza Karjus*		Escape from Yesterday *Farmer* *Erikson* *Tamiroff*	Storm Over Bengal *Patric Knowles* *Rochelle Hudson*	The Miracle Racket *Eilers* *Ann Miller*	Suez *Tyrone Power* *Loretta Young* *Annabella*	Cowboy and the Lady *Cooper* *Oberon*	The Storm *Bickford* *MacLane* *Foster* *Nan Grey*	Brother Rat *Wayne Morris* *Priscilla Lane*	Dangerous Secrets *Paul Lukas* (Sept. 30)
Nov. 4	In Early Arizona *Bill Elliott* *Dorothy Gulliver*	The Citadel *Robert Donat* *Rosalind Russell*	Gangster's Boy *Jackie Cooper*	Men With Wings *MacMurray* Illegal Traffic *Naish*			Always in Trouble *Jane Withers* *Jean Rogers* *Arthur Treacher*	Trade Winds *March* *Joan Bennett*	Exposed *Glenda Farrell* *Otto Kruger* Prairie Justice (O)	Hart to Get *Dick Powell* *de Havilland*	

ITOA Accepts Bid To MPTOA Sessions

The I.T.O.A. has accepted the invitation of Ed Kuykendall, president of the M.P.T.O.A., to be represented at its annual convention in Oklahoma City Oct. 30 to Nov. 2.

In the event that Harry Brandt, president, is unable to attend, the local organization will delegate John Man[illegible]er, executive secretary.

STATEMENT OF THE OWNERSHIP, MANAGEMENT, CIRCULATION, ETC., REQUIRED BY THE ACTS OF CONGRESS OF AUGUST 24, 1912, AND MARCH 3, 1933

Of Motion Picture Daily, published Daily, except Saturdays, Sundays and Holidays, at New York, N. Y., for Oct. 1, 1938.

State of New York } ss.:
County of New York }

Before me, a Notary Public in and for the State and county aforesaid, personally appeared Theo. J. Sullivan, who, having been duly sworn according to law, deposes and says that he is the Business Manager of the Motion Picture Daily and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management (and if a daily paper, the circulation), etc., of the aforesaid publication for the date shown in the above caption. required by the Act of August 24, 1912, as amended by the Act of March 3, 1933, embodied in section 537, Postal Laws and Regulations, printed on the reverse of this form, to wit:

1. That the names and addresses of the publisher, editor, managing editor, and business managers are:

Publisher—Martin Quigley, 1270 Sixth Avenue, New York, N. Y.

Editor-in-Chief — Martin Quigley, 1270 Sixth Avenue, New York, N. Y.

Managing Editor — James M. Jerauld, 1270 Sixth Avenue, New York, N. Y.

Business Manager — Theo. J. Sullivan, 1270 Sixth Avenue, New York, N. Y.

2. That the owner is: (If owned by a corporation, its name and address must be stated and also immediately thereunder the names and addresses of stockholders owning or holding one per cent or more of total amount of stock. If not owned by a corporation, the names and addresses of the individual owners must be given. If owned by a firm, company, or other unincorporated concern, its name and address, as well as those of each individual member, must be given.)

Quigley Publishing Company, Inc., 1270 Sixth Avenue, New York, N. Y.

Martin Quigley, 1270 Sixth Avenue, New York, N. Y.

Colvin Brown, 1270 Sixth Avenue, New York, N. Y.

Gertrude S. Quigley—1270 Sixth Avenue, New York, N. Y.

3. That the known bondholders, mortgagees, and other security holders owning or holding 1 per cent or more of total amount of bonds, mortgages, or other securities are: (If there are none, so state.)

None.

4. That the two paragraphs next above, giving the names of the owners, stockholders, and security holders, if any, contain not only the list of stockholders and security holders as they appear upon the books of the company but also, in cases where the stockholder or security holder appears upon the books of the company as trustee or in any other fiduciary relation, the name of the person or corporation for whom such trustee is acting, is given; also that the said two paragraphs contain statements embracing affiant's full knowledge and belief as to the circumstances and conditions under which stockholders and security holders who do not appear upon the books of the company as trustees, hold stock and securities in a capacity other than that of a bona fide owner; and this affiant has no reason to believe that any other person, association, or corporation has any interest direct or indirect in the said stock, bonds, or other securities than as so stated by him.

5. That the average number of copies of each issue of this publication sold or distributed, through the mails or otherwise, to paid subscribers during the twelve months preceding the date shown above is 5,723. (This information is required from daily publications only.)

Theodore J. Sullivan,
Business Manager.

Sworn to and subscribed before me this 30th day of September, 1938.

(SEAL)

Anna Milbert,
Notary Public N. Y. Co. No. 158 Reg. No. OM124
(My commission expires March 30, 1940)

Hollywood Preview

"That Certain Age"

(Universal)

Hollywood, Oct. 3.—In three earlier Deanna Durbin pictures Producer Joe Pasternak evolved a formula which caused them to become eminent entertainment and commercial successes. In "That Certain Age" the established, although unique blend of romantic whimsy and realism is simply and effectively used again. It achieves two primary objectives—good entertainment for almost any kind of audience and exploitation availability for exhibitors. From a secondary consideration this application of the Pasternak technique successfully bridges the gap between childhood and adolescence for Miss Durbin.

Familiar screen personalities are seen in company of the starlet. All, Melvyn Douglas, Jackie Cooper, Irene Rich, John Halliday, Nancy Carroll, Jackie Searl, Charles Coleman and Grant Mitchell, work with the precision of a smoothly running machine in support of the young leading lady who, nevertheless, is constantly in the spotlight. That fresh new touches should be given the Pasternak production technique, that their entertainment and showmanship worth might be extended, a new Durban director, Edward Ludwig, was called in. He accomplished his job with skill and finesse. The result of this crew's work plus that of F. Hugh Herbert, who wrote the original story, and of Bruce Manning, who did the screenplay, is screen merchandise that the public should not ignore.

"That Certain Age" details a romantic phenomenon that comes into the life of every "teen age" girl. Miss Durbin gets a terrific "crush" on Douglas, a man three times her age. Confiding only in her diary, she enshrines him in her heart, dreams of the days when she'll go roaming the world with a glamorous war correspondent. Only her boy friend, Cooper, suspects what's bothering the girl he loves and he is ready to pack up, join the Navy and forget all about girls. Eventually, Deanna's father and mother. Halliday and Miss Rich, and Douglas fathom the girl's secret.

Soon she is rehearsing her part in the amateur show which her gang is staging for the Boy Scouts, happy that Jackie Cooper will not join the navy.

To the entertainment merit of the straight romantic, comic and pseudo-tragic story content must be added the value of Miss Durbin's singing. Three or four numbers serve to top off an enjoyable show in enjoyable style.

Running time, 95 minutes. "G." G. McC.

◀ Purely Personal ▶

WALTER J. HUTCHINSON, 20th Century-Fox director of foreign distribution, is scheduled to sail today from Rio de Janeiro to Cape Town. He will return here late in December after completing his South African survey.

•

Irving Maas, 20th Century-Fox foreign service manager, returned yesterday on the *Queen Mary* with an eye witness report of war preparations in Paris and London.

•

A. E. Meyer, general sales manager of International Projector Corp., is on a tour of National Theatre Supply branches west of Chicago to Seattle, south to San Francisco and Los Angeles and east to Dallas.

•

Dr. A. H. Giannini will remain in New York a few days before returning to the coast. He came east for the annual meeting of Columbia stockholders at the home office yesterday.

•

William K. Howard, producer, was guest of honor at the Motion Picture Associates meeting Saturday. He is an honorary member, since he formerly was a film salesman and exhibitor.

•

Fernand Gravet will sail today on the *Paris*.

CHARLES E. McCARTHY, 20th Century-Fox advertising and publicity head, gave Spyros Skouras some pointers on future releases at lunch yesterday.

•

E. V. Lomba, assistant foreign sales manager for 20th Century-Fox, will leave this week by plane for Mexico City and a three-month Latin American survey. He is Kent drive leader for foreign territories.

•

Al Lichtman plans to be here another week on conferences with Nicholas M. Schenck and others at the M-G-M home office.

•

Wesley Ruggles, Paramount producer-director, arrived yesterday on the *Queen Mary* from a vacation abroad. He is staying at the Savoy Plaza.

•

Clair Hilgers, Republic special sales representative, has arrived in Oklahoma City.

•

Sidney R. Kent, president of 20th Century-Fox, may sail for Europe next month.

•

Maxie Rosenbloom arrived here yesterday from the coast.

Labor Troubles Are A Chicago Problem

Chicago, Oct. 3.—Theatre engineers are still picketing 30 theatres here in protest of the refusal by circuits to restore a voluntary 10 per cent pay cut. Both union and exhibitor leaders refuse to take first steps toward a settlement.

Negotiations for the settlement of operators' contracts are being delayed until next week, due to the Jewish holidays. An Allied meeting over the weekend resulted in the decision to absolutely refuse restoring the union 10 per cent pay increase which it voluntarily accepted as a cut last July.

Adjourn Directors Hearing for Week

Hollywood, Oct. 3.—The testimony of Val Paul, Universal studio manager, and B. B. Kahane, Columbia vice-president, today concluded the producers' side of the Screen Directors' Guild hearings to be declared the collective bargaining agency by the N.L.R.B.

Both men said assistants and unit managers do not at any time have charge of the direction of films. The hearing was adjourned for a week to give attorneys time to prepare final arguments.

Legion Approves All Of Eight New Films

The National Legion of Decency this week approved eight new pictures, three for general patronage and five for adults. The new films and their classification follow.

Class A-1, Unobjectionable for General Patronage—"Drums," "Juvenile Court," "Overland Stage Raiders." Class A-2, Unobjectionable for Adults —"If I Were King," "The Lady Objects," "The Sisters," "Vacation from Love," "Youth Takes a Fling."

Wall Street

Substantial Gains Mark Board

	Open	High	Low	Close	Net Change
Col.	14¼	14¾	14¼	14¾	+ ½
Cons.	1½	1⅝	1½	1⅝	+ ⅛
Cons. pfd...	8¼	8⅜	8¼	8¼	.....
E. K.	174	177	174	177	+3
E. K. pfd...	167	167	167	167	+4
G. T. E.....	15	15½	14¾	15½	+ ¾
K. A. O. ..	80	80	80	80	+3¾
Loew	51⅞	52½	51⅞	52	.....
Loew, pfd...	106⅝	106⅝	106⅝	106⅝	.....
Para.	11¼	11¼	10⅞	11	— ⅛
Para. 1.....	88	88	88	88	+1⅛
Para. 2.....	11⅛	11¼	11	11⅛	.....
Pathe	9⅜	9¾	9⅜	9¾	+ ¼
RKO	2⅜	2½	2⅜	2½	+ ⅛
20th Fox ..	26⅝	27⅛	26⅜	26⅞	+ ⅛
20th pfd.....	35¾	36	35¾	36	+1¼
Univ. pfd...	38	38	38	38	+2½
W. B.	6¾	6¾	6⅝	6⅝	— ⅛
W. B. pfd..	34¾	36½	34¾	35½	+ ½

Fractional Curb Changes

	Open	High	Low	Close	Net Change
G. N.	7/16	½	⅜	⅜	—1/16
Monogram	1⅞	2	1⅞	2	+ ¼
Sonotone ..	1⅜	1⅜	1⅜	1⅜	— ⅛
Tech.	21½	22	21½	22	+ ⅞
Trans-Lux	2	2	1⅞	2	.....
Univ. Corp.	3¼	3¼	3¼	3¼	.....

Warner Bonds Rise 3 Points

	High	Low	Close	Net Change
Loew 3½s '46.....	102¾	101¾	102¼	+ ⅞
Para. Pict. 6s '55	92	92	92	.....
RKO 6s '41........	67	67	67	.....
W. B. 6s '39.......	82	79	82	+3

(Quotations at close of Oct. 3)

Broadcasting Hearings Set For the Week

WASHINGTON, Oct. 3.—Broadcasting hearings of the Federal Communications Commission for the current week are scheduled as follows:

Oct. 4, before an examiner: Applications of KSAL, Salina, Kan., for change of frequency from 1,500 to 1,120 kilocycles and increase of power from 100 watts night, 250 watts day, to 500 watts night, 1,000 watts day; KFRO, Longview, Tex., for change of frequency from 1,370 to 1,340 kilocycles, extension of time from day to unlimited and increase of power from 250 to 1,000 watts, and KSEI, Pocatello, Ida., for change of frequency from 900 to 600 kilocycles and increase of night power from 250 to 1,000 watts.

Oct. 5, before an examiner: Applications of Radio Enterprises, Inc., for a 1,310-kilocycle station at Victoria, Tex., with 100 watts night, 250 watts day; Coastal Broadcasting Co., for a 1,420-kilocycle station at Brunswick, Ga., with 100 watts night, 250 watts day, and WRTD, Richmond, for change of frequency from 1,500 to 590 kilocycles and increase of power from 100 to 1,000 watts.

Oct. 6, before the commission: Applications of George W. Taylor Co., Inc., for a 1,370-kilocycle, 100-watt daytime station at Williamson, W. Va.; Greater Greenwood Broadcasting Station, for a 1,420-kilocycle station at Greenwood, S. C., with 100 watts night, 250 watts day; W. A. Barnette for a 610-kilocycle, 250-watt daytime station at Greenwood, S. C.; Pinellas Broadcasting Co., for a 1,370-kilocycle station at St. Petersburg, Fla., with 100 watts night, 250 watts day, and WCOP, Boston, for change of frequency from 1,120 to 1,130 kilocycles; WGNY, Newburgh, N. Y., for change of frequency from 1,210 to 1,220 kilocycles and increase of power from 100 to 250 watts, and WAIR, Winston-Salem, N. C., for extension of time from day to unlimited.

Oct. 7, before an examiner: Application of WLAW, Lawrence, Mass., for extension of time from day to sunset at KPO.

Oct. 8, before an examiner: Applications (contesting) of Citizens Voice and Air Shoe and Provo Broadcasting Co., for a 1,210-kilocycle station at Provo, Utah, with 100 watts night, 250 watts day.

Richmond Quits Benton

Ralph Richmond has resigned as head of the commercial radio department of Benton & Bowles, with whom he has been associated for the past two years. His future plans will be announced shortly.

NBC Transfers Roberts

Wilfred S. Roberts has been transferred from the production to the program department at NBC, as assistant to Bertha Brainard, commercial program manager.

WELI Three Years Old

NEW HAVEN, Oct. 3.—WELI will celebrate its third birthday on Oct. 10. The station has just been granted full time.

New Shows on the Air

"Ben Bernie"

Ben Bernie and all the Lads and a Lassie are back on the Sunday airwaves in a new series for Half and Half Tobacco. The "lads" are Lew Lehr, Manny Prager and Bobby Gibson, and the "lassie" is Mary Small.

The new program is basically the same as the ones the "yowsuhing" Mr. Bernie has presented in the past, which, translated, means that a pleasant half-hour of popular music and vocal selections, plus a substantial amount of chuckles, is assured any listener who tunes to CBS from 5 to 5:30 P. M. on Sundays.

Offered on the initial program was "I've Got a Pocketful of Dreams" by Mary Small, "A Tisket A Tasket" by Manny Prager, "So Help Me" by Bobby Gibson; a flock of numbers by the band, including some college medlies; and the usual nonsensical routines of Mr. Lehr and Mr. Bernie.

"Silver Theatre"

"Silver Theatre of the Air," from Hollywood, began its new season with a dramatization titled "Stronger than Steel," Conrad Nagel directing and Fredric March playing the lead. Mr. March substituted for William Powell, who was unable to keep the "Silver Theatre" engagement becanuse he is not sufficiently recovered from a recent operation.

"Stronger Than Steel" opens in a construction camp in South China, where "Boss" McGary, played by Mr. March, is so absorbed in his bridge building activities he has little time, or inclination, to give the missionary's daughter a tumble. The outbreak of the war in China leads to a series of rushing events, climaxed by the dynamiting of a new bridge to halt the enemy's advance and thereby save the refugees. The love element came into its own, needless to state, toward the close of the production, when Mr. March, having saved the girl from danger, realized that he loved her all the while. "Silver Theatre" is sponsored by the International Silver Co. Sundays over CBS from 6 to 6:30 P. M. It ranks on the plus side of the radio entertainment ledger.

"Jack Benny"

That despair of all other radio comedians, that amasser of terrific Crosley ratings, Mr. Jack Benny, is back on the Jello show after vacationing for some 15 weeks, and if anyone is of the opinion that that is not the most welcome news of the radio season, wait until the next official ratings appear a few months hence.

All that need be said about the comedy is that Mr. Benny and his wife, Mary Livingstone, were at their hilarious best, and take the word of the millions who listen, there is nothing better than the Bennys at their best. The orchestra, under the baton of Phil Harris, played "Confidentially," "Walking Stick," "I Married an Angel," and Kenny Baker sang "Remember."

"Her Honor, Nancy James"

"Her Honor, Nancy James" is another in the chain of morning and afternoon radio serials which build to a hysterical close every 15-minute installment, although usually the stories contain little or nothing to get excited about. Grandma used to obtain this brand of literature in paper-covered novels for 10 cents, today Grandma's daughter receives it for nothing via her loudspeaker. Thus has progress been made.

Nancy James is a young woman lawyer who is devoting her life to improving conditions in the slum section of "Metropolis City" by managing a center. It is election eve, and when a crowd assembles before the center, Nancy delivers a tearful plea that Mayor Thomas be defeated, that Richard Morton be elected to cleanse the city of political corruption, and to help the lot of the poor. Barbara Weeks has the title role, and the support includes Ned Wever, Alice Reinhart, Joe Curtin and Chester Stratton. The authors are David Victor and Herbert Little, Jr. The series, sponsored in the interests of Kleenex, is presented Mondays through Fridays from 12:15 to 12:30 P. M. over CBS.

Jack Banner

Miller Will Handle Copyright for NAB

WASHINGTON, Oct. 3.—The National Association of Broadcasters' executive committee has decided to leave the copyright problem in the hands of Neville Miller, president. After a long discussion the board directed Mr. Miller to continue his efforts toward its solution.

Edwin M. Spence was appointed secretary-treasurer of N. A. B., for a term of one year. The committee decided that the N. A. B.'s next annual convention should be held at a date to be fixed in the light of legislative developments, probably late next spring.

Heads Texas Web Music

OKLAHOMA CITY, Oct. 3.—Ralph Rose, Jr., conductor of the Oklahoma Federal Symphony Orchestra, has gone to Fort Worth to become musical director of the Texas State Radio network. He will retain his connections with the Oklahoma Symphony.

Says South America Radio Ads Lagging

Radio advertising is 10 years behind the times in South America, according to Joseph D. Bohan, who recently returned from a business trip to Brazil, Argentina and Uruguay. Mr. Bohan, who is sales manager of the Centaur Co., says there is no established rate card in Brazil and Argentina. Uruguay is covered by a powerful Buenos Aires station.

Offer Kansas Survey

TOPEKA, Oct. 3.—WIBW, Capper Publications station in this city, now is distributing a condensation of its 1938 "Kansas Radio Listeners Survey." The condensation is titled "Kansas Radio Facts," and gives pertinent information covering the state on radio. The book will be of value to agencies and advertisers who use the Kansas market.

Mutual Gross In September Has 50% Gain

Mutual's September, 1938, billings are up 50.8 per cent over the billings for the same month in [illegible]7, while the cumulative billings sho[illegible] an increase of 25.2 per cent. CBS billings, on the other hand, show a decline.

Mutual's September, 1938, gross is $200,342, which compares to the September, 1937, gross of $132,865. The network's nine-month gross for this year is at $1,874,255. The cumulative total for the same period last year was $1,496,572.

The CBS September, 1938, billings amount to $1,602,105, compared to the September, 1937, billings of $2,028,585, a decline of 21.0 per cent. Cumulative billings are down 3.8 per cent, the totals amounting to $19,975,882 and $20,775,542 for 1938 and 1937 respectively.

NBC's billings are not yet available.

Court Approves New Ferguson Radio Plan

Federal Judge Murray Hulbert yesterday approved, with minor modifications, the second amended plan of reorganization of Ferguson Radio & Television Co., Inc., and ordered that the plan should be immediately carried out. Judge Hulbert further ordered that all creditors who had failed to file claims by Sept. 9, or who had failed to obtain the consent of the attorneys for the company to file after that date, should be barred from distribution under the plan.

The plan provides for payment of 25 per cent in 18 months to general creditors and payment in full of tax liabilities and priority creditors. RCA is to receive full payments due under its patent licensing agreement with the company.

Kaltenborn Dines Crew

H. V. Kaltenborn, CBS news analyist and editorialist, who performed so outstandingly for CBS during the European crisis, last night tendered a party at his home for the CBS crews who worked with him during the crisis.

Breen, Durbin on CBS

Deanna Durbin and Bobby Breen, both of whom received their start on Eddie Cantor programs, will appear as special guests of the comedian on his broadcast of Oct. 10 over CBS.

Harris on Air for Drive

John H. Harris of the Harris Amusement Co., Pittsburgh, will speak on "First Facts in the Movies" in connection with the Motion Pictures' Greatest Year campaign over the Mutual Broadcasting System, Oct. 17.

Plan Travel Week Show

Roscoe Turner, Jacqueline Cochran and Dick Merrill will be heard on WMCA tonight at 8:45 as a special feature of National Air Travel Week. Martin Starr will conduct the interview.

FILE COPY
DO NOT REMOV

Alert. Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 44. NO. 67 NEW YORK, WEDNESDAY, OCTOBER 5, 1938 TEN CENTS

O'Neill Lines To Be Studied By the F.C.C.

Hearing Called Off on License for WTCN

WASHINGTON, Oct. 4.—The Federal Communications Commission yesterday adopted a motion by Commissioner Eugene O. Sykes to reconsider its action of last week, ordering a hearing on the application of WTCN, Minneapolis, for renewal of license, but passed over until a later meeting a second motion offered by Mr. Sykes to grant the station's renewal application.

The Minneapolis station was one of nine whose renewal applications were ordered the subject of hearings last week on the ground that they had violated the commission's regulations or the Communications Act, or had offered programs not in the public interest.

In the case of WTCN, the commission charged that improper language

(*Continued on page* 8)

Juniors Favored in New Bylaws of Guild

HOLLYWOOD, Oct. 4.—A closer understanding between junior and senior members of the Screen Actors' Guild is aimed at in the proposed new bylaws, which were mailed to members for ratification today.

Under the bylaws the guild is divided into three classifications of membership, senior, Class B, which includes extras, and part players. The new rules give the Class B members the right to withdraw in a body on a 51 per cent vote, prohibit senior members from calling a strike of Class B members until the latter approve by a 75 per cent vote, and, in effect, give the Class B members a larger voice in the affairs of the guild.

Billings of NBC for September Show Gain

NBC's billings for September of this year show a rise of 4.5 per cent over the billings for the same month last year, the totals being $2,979,241 compared to $2,850,581.

The nine-month total amounts to $29,902,724, an increase of 5.7 per cent compared to the cumulative total for the same period last year, $28,291,115.

More Radio on Page 8

Chance Games Being Probed, Court Is Told

Society for Prevention of Crime Behind Move

An investigation of chance games in theatres is under way by the Society for the Prevention of Crime with a view to possible prosecutions, it was stated by an investigator for the society at a hearing of six defendants in an alleged theatre lottery before Magistrate Aurelio yesterday.

The defendants are employes of the Jewel Theatre in Harlem which was raided recently at the instance of the society. Magistrate Aurelio paroled a girl cashier on her own recognizance and continued five others in

(*Continued on page* 4)

Exhibitors' Groups Reporting on Sales

Considerable information will be available to local exhibitors through their organizations on product deals consummated by independents in the metropolitan area.

Allied of New York is making a monthly survey of contract terms by questionnaires sent to members, and the data will be presented at future meetings. Allied of New Jersey will have its annual session on contract and product analysis at its forthcoming convention in Atlantic City. An interchange of information on the subject will feature the next meeting of the I.T.O.A., the date of which is as yet indefinite.

Would Censor Reels

London, Oct. 4.—The Warwick County Council has appealed to the County Councils Association to ask the British Home Office to imposed a censorship on newsreels. The movement aims at horriffic and war scenes.

Value of Ad Drive to Be MPTO Topic

The practical value of the Motion Pictures' Greatest Year campaign and the advisability of repeating it next year will be weighed at the M. P. T. O. A. national convention in Oklahoma City, Oct. 30 to Nov. 2, Ed Kuykendall, president of the exhibitor organization, disclosed yesterday.

A specific discussion of the campaign has been included among the topics of major importance to be brought before the convention during its three-day business session. Exhibitors from all parts of the country will be asked to participate in the discussion of the questions "Was the national advertising campaign worth the cost and effort?" and "Should it be repeated next year?"

The possibilities for self-regulation of trade practices in distribution and exhibition and a forum on new product and national audience tastes in film fare are, as reported earlier, among the major topics which will come before the M. P. T. O. A. meeting. Other

(*Continued on page* 4)

Industry's Leaders Unveil Tablet and Traffic Stops

Down on the 34th St. side of Macy's yesterday there was a flag-bedecked grandstand and a WOR microphone and a silk American flag hanging on the wall and a few policemen to permit distinguished guests to arrive in a dignified fashion.

All along 34th St. from the Pennsylvania Station to Herald Square tens of thousands of commuters hurried. Out of the BMT and H. & M. tube exits other thousands poured. The decrepit old Sixth Ave. "L" contributed its usual quota.

A grandstand and a microphone can make a commuter late for work any time—and thev did. By 9:30 Macy shoppers with the gleam of the bargain hunt in their eyes had arrived. More police came. A few minutes later Will H. Hays mounted the platform with Hal Roach, Percy L. Walters, an official of the old Kinetograph Co. and later president of the Motion Picture Patents Co.; Frank J. Marion, president of the old Kalem Film Co.; Paul Gulick, coordinator of the Motion Pictures' Greatest Year Drive; Howard Dietz, committee chairman; C. M. Withington, representing the Edison Pioneers and Thomas Alva Edison Foundation; Percy Straus, president of Macy's; Ben Serkowich of the Broadway committee of the industry drive; Nino Martini, tenor; Walter Slezak, actor, and relatives of Albert Bial, partner with Koster in the Old Music

(*Continued on page* 4)

Majors Seek Agreement in Trust Action

To Acquire No Theatres Pending Suit's End

The five major companies having theatre affiliates will endeavor to reach an agreement with the Department of Justice in the near future under which they will refrain voluntarily from acquiring new theatres pending determination of the Government's anti-trust action, it was learned yesterday.

The indicated agreement will be in the form of a stipulation to be entered into by Loew's, Paramount, RKO, 20th Century-Fox and Warners with the Government. The stipulation is expected to include provisions for certain exceptions directly related to the safeguarding of existing theatre investments but in the main will embody an agreement to maintain the status quo of theatre interests of all five companies. As a result of the stipulation the Government will not petition the Federal court here for an injunction to restrain the companies involved from further theatre expansion, thus eliminating an extended court action.

So far as could be learned the stipulation will be the principal, if not the sole topic of discussion at the

(*Continued on page* 4)

Schenck, Zanuck, Goetz Sell Stock

WASHINGTON, Oct. 4.—Sale of 30,400 shares of 20th Century-Fox common stock in August by two officers and a director was disclosed today by the Securities and Exchange Commission in its semi-monthly summary of transactions of officers and directors in the securities of their corporations.

The summary revealed that William Goetz and Darryl F. Zanuck each disposed of 10,000 shares of stock during the month, with Mr. Goetz holding

(*Continued on page* 4)

"King" Para. Gross Hits Record $67,000

"If I Were King" closed its first week at the Paramount last night with a record breaking take of $67,000. This is the best first week's gross at the theatre since the start of the band policy in 1936, with the exception of "Wells Fargo," which played during the Christmas and New Year holi-

(*Continued on page* 4)

Australia Has 10-Point Plan For Harmony

By LIN ENDEAN

SYDNEY, Sept. 16. (*By Air Mail via London*)—The New South Wales Board of Trade, representing circuits, independent exhibitors and distributors, has determined to make tangible moves to bring about closer understanding within the trade. It is known that many members considered it a waste of time to attend meetings while internecine strife was common.

Sir Victor Wilson, president of the Motion Picture Distributors' Association, has made public a letter from an executive of the Australian Exhibitors' Council to the M.P.D.A., in which there were 10 proposals on which action by the distributors is sought.

Among them are suspension of rentals during enforced closing of theatres, such as epidemics; supplying of extra prints when needed; percentage pictures; a standard film contract; regulation of gift nights and other subterfuges for the reduction of admissions; excessive city protection; an age limit on minimum admissions; regulation of county and suburban protection.

Points Out Serious Side

Sir Victor pointed out that most of the points raised probably can be agreed upon with little discussion, but that two points, excessive city protection and percentage pictures, are more serious. He expressed the belief that a standard contract would solve most of the exhibitor problems, and a committee has been named to draw up a standard form to be presented to exhibitors in the near future.

Exhibitors have sought such a contract for years, and since they will ask a rejection privilege, it appears there may be difficulties in framing a contract suitable to both sides. However, it is understood that if a suitable basis for agreement is not reached in a reasonable time, exhibitors will approach the Government for help.

It is also planned to increase the scope of the Board of Trade's activity, extending it throughout the Commonwealth.

Expect Fleischer Pact

Negotiation of a new working agreement between the Fleischer studio and the United American Commercial Artists union may end in an agreement tomorrow. The discussions have been under way for several months and were suspended for a time due to a disagreement. Considerable progress has been made in the past few days, however, indicating a possibility of their being concluded after the Jewish holiday.

Union Agreement Near

Negotiations by a theatre committee with Local No. 1, Manhattan stagehands, on a new contract for this season have been extended longer than anticipated, but an agreement is expected in a few days. Major L. E. Thompson of RKO held another session with the union committee yesterday.

Book Promotion Is Gaining Favor in Midwest Theatres

By BILL CROUCH

CHICAGO, Oct. 4.—The latest theatre promotion plan to gain favor in the midwest is Book Treasures, a plan whereby books of various sorts are given away to patrons on a coupon basis. The book giveaway idea was introduced around this territory late in the summer, according to Lester F. Martin, in charge of the plan for Consolidated Book Publishers, Inc., who has named eight men to handle the branch offices he has set up throughout the country.

More than 90 books are available on the plan, which involves no element of chance in the distribution of the books. Classics, encyclopedias, dictionaries, cook books and diaries are offered in the plan. Several Illinois circuits have adopted it.

▼

A battle between local theatres on the showing of newsreels is in sight. Herb Elisburg started the fray with his showing of five newsreels at the Essaness Woods theatre. Other Loop houses are now giving the newsreel idea more attention and what looks like a battle of the newsreels in the Loop is in sight.

▼

Theatre executives whose houses are affected by the strike called last week by the theatre engineers are not complaining so much about the raise the engineers have asked for, as it amounts to only about $5 per week per man, but they are irritated by the "ultimatum" handed down by union officials.

▼

Negro theatre operators are still picketing some of the negro theatres that use white operators. Union officials say that the 19 colored operators now being used are sufficient. There are no negro owned theatres in Chicago and this is one reason for the demand for white operators in most of the colored theatres.

▼

Al Simons, operator of the grill in the Exhibitors' Building, was held up last week and $125 *taken. Two masked bandits herded the customers into the back of the room and rifled the cash register. It was the most excitement to hit film row in weeks.*

▼

Exhibitors are wondering what was wrong with business during the summer months found out when the Chicago Park Board revealed that more than 3,500 000 persons attended the free concerts in Grant Park during the summer months. The 8,000,000 who attended sports events, many of them free, also didn't help the box-office any.

▼

W. H. Banford, branch manager here for M-G-M, is one of the lucky members of the Metro sales staff to leave Oct. 22 for Europe. Mr. Banford, with the other M-G-M sales contest winners, will land at Nice, visit Paris and London and sail for home on the *Queen Mary* Nov. 16.

Start Fox English Film

LONDON, Oct. 4.—Robert T. Kane, head of 20th Century-Fox British production chief, has started "So This Is London" at the Pinewood studio. Robertson Hare and Alfred Dayton will star, with George Sanders, Berton Churchill and Lily Cahill featured. Carla Lehmann, Canadian stage actress, has replaced June Lang. Thornton Freeland is directing.

Heads Party Publicity

BOSTON, Oct. 4.—Harry Browning, M. & P. director of publicity, has been appointed publicity manager for the forthcoming eighth annual dinner-dance of the film district post of American Legion at the Copley Plaza, Oct. 25. Alvin Kenney is his assistant.

Shea Managers Shifted

NEW PHILADELPHIA, O., Oct. 4.—Harold Snyder, assistant manager of the Union, has been named manager of the Bexley at nearby Dover.

Charles E. Simpson, now assistant at the Bexley, has been shifted to the Colonial, Akron, replacing Dwight Kirk, who has been made assistant at the Strand and Paramount, Fremont.

Para. Awards Given Out

WASHINGTON, Oct. 4.—Paramount's awards for the best campaign on "Her Jungle Love" have been handed out by Carter Barron, Loew division manager, to Ray Bell, Roscoe Drissel of Norfolk and Allen Sparrow of Richmond.

Comerford Takes House

POTTSVILLE, Oct. 4.—Comerford Theatres have taken over the Hollywood here. This gives the circuit control of all three local houses. The Hollywood is owned by the Brenneman estate and has been operated under lease by the William B. Shugars estate, which had a booking arrangement with Lewen Pizor.

Close "Take It" Deal

Columbia has closed a special deal with National Theatres on "You Can't Take It With You." The circuit consummated a two-year contract with Columbia last year, but the film is being sold as a special. Leonard Picker and Jerry Safron of Columbia worked out the deal with William Powers of National.

"U" Board Meet Routine

A routine meeting of the Universal board of directors was held yesterday. The meeting, originally scheduled for tomorrow, was advanced because of the Jewish holiday today and the plans of J. Cheever Cowdin, board chairman, for sailing for England tomorrow.

Expect Loew Dividend

The board of Loew's, Inc., is to declare a regular dividend of $1.62½ on the preferred stock at its next meeting Oct. 13. The regular meeting scheduled for today was postponed to that date.

Gillmore Issues New Member Rule for 4A

Members of any branch of the Association of Actors and Artistes of America who accept engagements in the jurisdiction of any sister branch must immediately make application for membership in such other branch, according to a ruling issued yesterday by Frank Gillmore, president, t[illegible] branches. The decision is expected to assist materially in the current organization drive of the American Federation of Actors in motion picture theatres which have vaudeville or stage shows.

Charles C. Moskowitz has been designated as representative of Broadway houses to conduct negotiations with the A. F. A., it was learned at union headquarters yesterday and Harry R. Calkins, chief organizer, will act for the union during the absence of Ralph Whitehead who is at the A.F.L. convention. Jurisdiction of the A.A.A.A. extends over screen actors and radio artists and it is believed here that personal appearances may be blocked in the event that present negotiations fail to lead to an agreement.

Drive-In Theatre Is To Close for Winter

After a successful summer season, the Drive-In Theatre at Valley Stream plans to close during the latter part of the month and will reopen in April. Burt Kulick is now president and treasurer of the Parkhill Broadway Corp., which operates the Broadway in Yonkers. Closed for the winter are the Garden, Princeton; Playhouse, Cedarhurst; Lido, Long Beach, and Boardwalk, Edgemere.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; J. M. JERAULD, Managing Editor; JAMES A. CRON, Advertising Manager. EDITORIAL STAFF: Charles S. Aaronson, Jack Banner, Al Finestone, Sherwin A. Kane, Joseph Priore.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office. Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

HOLLYWOOD: Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. WASHINGTON: Albee Building, Bertram F. Linz, representative. CHICAGO: 624 S. Michigan Ave., C. B. O'Neill, manager. AMSTERDAM: 87 Waalstraat; Philip de Schaap, representative. BERLIN: Steulerstrasse 2, Berlin W. 35; Joachim K. Rutenberg, representative. BUDAPEST: Szamos-Utca 7, Budapest I: Endre Hevesi, representative. BUENOS AIRES: Avallaneda 3949; N. Bruski, representative. COPENHAGEN: Rosengaarden 14: Kris Winther, representative. HELSINKI: Fredriksgatan 19C; Charlotte Laszlo, representative. LONDON: 4 Golden Square, W. 1: cable address. Quigpubco, London; Hope Williams, manager. MELBOURNE: Regent Theatre Buildings, 191 Collins St.; Cliff Holt, representative. MEXICO CITY: Apartado 269, James Lockhart, representative. MONTEVIDEO: P. O. Box 664; Paul Bodo, representative. MOSCOW: Petrovski Per 8; Beatrice Stern, representative. PARIS: 21, Rue de Berri; Pierre Autre, representative. PRAGUE: Uhelny trh 2, Prague 1: Harry Knopf, representative. RIO DE JANEIRO: Caixa Postal 3558; L. S. Marinho, representative. ROME: 54 Via Della Mercede; Joseph D. Ravotto, representative. SANTIAGO de CHILE: Casilla 13300; A. Weissmann, representative. SHANGHAI: Rooms 38-41 Capital Theatre Building, 142 Museum Road; J. P. Koehler, representative. STOCKHOLM: Kungsgatan 36; Ragnar Allberg, representative. TOKYO: 880 Sasazuka, Ichikawa-shi, Chiba-Ken; H. Tominaga, representative.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and foreign $12. Single copies 10 cents.

The LION'S ROAR

Our editorial this week is reprinted in its entirety from the INDEPENDENT EXHIBITORS FILM BULLETIN.

Only the quotation marks are ours. Here's the editorial:

"TO METRO'S CREDIT. . .

"In an industry wracked with seeming endless inter-branch antagonism and baiting, it is pleasant to hear the virtual unanimity of exhibitor good will enjoyed by at least one distributor.

"One might suppose that its very position at the pinnacle of the industry would make Metro-Goldwyn-Mayer the most ruthless and arrogant of all film companies. Yet, this company displays greater consideration for its customers than any other.

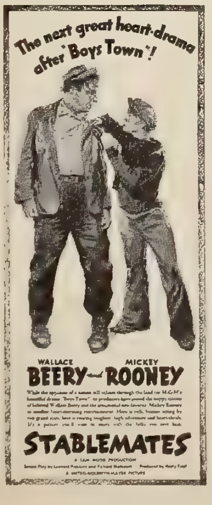
"During the film selling season hardly a week passes but what at least one irate exhibitor writes or calls us asking how he might go about suing some distributor for selling away a product he has long played. Of course, we point out the right of any company to sell to whom it desires, providing no conspiracy can be proven. But what strikes us is the absence of complaints on this score against Metro.

"This company, it seems, places some value on good will. Many cases are known in which Metro persistently has remained faithful to old customers, regardless of opportunities to get greater revenue from new competitors. The fact that a theatre which has played M-G-M pictures in the past, has exploited its stars and its trade mark apparently enters quite prominently into the considerations of this company's sales executives.

"It is to the everlasting credit of M-G-M that it sets a fine example for other distributors in this respect. What a pity some of them refuse to follow!"

Independent EXHIBITORS FILM BULLETIN

* * * * *


The next great heart-drama after 'Boys Town'!
WALLACE BEERY—MICKEY ROONEY
STABLEMATES

OH MICKEY!

"STABLEMATES" (*a beloved American favorite Wally Beery welcomes a new star!*) is the next step in Mickey Rooney's march to become the greatest box-office draw America has ever known. A worthy follow-up to "Boys Town" is "Stablemates" and then "Out West With The Hardys." Nice going Mickey!

EXTRA! "BOYS TOWN" TERRIFIC!
EXTRA! "TOO HOT TO HANDLE" WOW!
EXTRA! "SWEETHEARTS" PREVIEW HIT!
EXTRA! "STABLEMATES" SURE-FIRE!
EXTRA! "GREAT WALTZ" TRIUMPH!
EXTRA! "THE CITADEL" SENSATIONAL!

We could go on and on, but you get the idea! In fact a few exhibitors who were out to lunch when our salesman called are now frantically signing up. Nobody would want to pass up a single one of the above pictures. Nor the jolly hits ahead. Leo believes in modesty up to a certain point, but honestly you can't blame him for the swelled chest (not swelled head, folks!) Contracts talk! Listen: MORE M-G-M EXHIBITORS NOW THAN EVER BEFORE AT THIS PERIOD!

* * * * *

"Sweethearts of the day"

THE TOPS!

We used to think a barrel of monkeys was fun until we dropped into the big Broadway Capitol and listened to the packed audience enjoying Clark and Myrna in "Too Hot To Handle." *There's* a show for folks of all shapes and sizes! A natural! And naturally it's a clean-up! "Entertainment you'll chuckle over for days to come," said the Daily News, echoing all the critics of Broadway, N. Y., and your Broadway too, Mr. Showman. Holdovers: New York, Philly, Salt Lake, Harrisburg, Indianapolis, Wilmington, Houston, Atlanta, New Orleans and everywhere as we roar to press.

* * * * *

TELEGRAM FOR LEO!

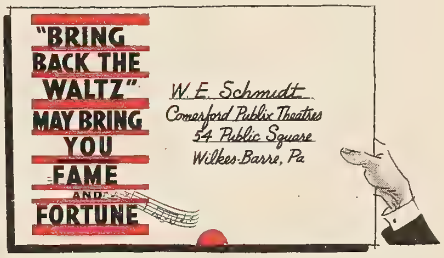
"SWEETHEARTS sensation last night's preview in Pomona. Jeanette MacDonald and Nelson Eddy thrilled audience. Victor Herbert music and numbers tremendous. Picture packed with entertainment and breath-taking with brand new spectacle ideas. Technicolor beautiful. Definitely tops 'Rose Marie', 'Maytime' all other MacDonald-Eddy triumphs and another resounding hit in Metro-Goldwyn-Mayer's Greatest Year."

* * * * *

BOX-OFFICE FLASH!

By wire from California to "Box-Office" magazine: "'Vacation From Love' rowdy, romantic fare, fast moving entertainment, well up to Leo's standard."

* * * * *


"BRING BACK THE WALTZ" MAY BRING YOU FAME AND FORTUNE
W. E. Schmidt
Comerford Public Theatres
54 Public Square
Wilkes-Barre, Pa

DID YOU GET YOURS?

Ask M-G-M for the broadside (*above*) also Exhibitors Service Sheet telling the complete story of one of the greatest promotions since the first Manager hired that elephant from his local zoo! "THE GREAT WALTZ" COMPETITION has begun. In 48 states local contestants are waltzing in the hope of getting one of the 87 pretty prizes, topped by the first prize: THREE MONTHS CONTRACT AT M-G-M STUDIOS! 48 State Trophies (*above*) will be awarded. These winners will compete in 12 Zone Semi-Finals and the winning couple from each Zone (*24 lucky waltzers*) will be brought to New York for the whirlwind finals.

You don't have to wait for your "Great Waltz" playdate. (*By the way, the picture is finished and our trusted scouts tell us it's a honey!*) Every M-G-M theatre can enter and its local winner then enters the State contest.

Nice promotion, say our exhibitor friends. Plus "THE GREAT WALTZ" nationwide posting of thousands of 24-sheets in 1200 cities!

What with one thing and another, there's plenty of dancing on Film Rows . . .

With that merry, musical fellow leading the gayety.

They call him

THE WALTZING LION

Leo

Chance Games Being Probed, Court Is Told

(*Continued from page* 1)

nominal bail of $25 each for trial in Special Sessions.

Local exhibitors are considerably agitated over these arrests, which included the entire house staff, and are cooperating through Allied of New York and the I. T. O. A. to fight the case. A brief filed by Harry G. Kosch, counsel for Allied and Max A. Cohen, whose circuit operates the theatre, cites decisions by the Court of Appeals under which chance games as conducted at the Jewel are held legal. Milton Weisman, I. T. O. A. counsel, is working with Mr. Kosch in the case.

The two exhibitor organizations plan to obtain a final ruling on chance games in the courts. Meanwhile, attorneys point out that unless theatres advertise that the games are free, they may not be legally in the clear.

Rubin Examined in Stockholder Action

J. Robert Rubin, vice-president and general counsel of Loew's, was examined for three hours yesterday and will give further testimony tomorrow in connection with the Loew's minority stockholders' suit seeking to abrogate executive contracts with the company.

Examination was by Emil K. Ellis, counsel for the plaintiffs, in his office. Mr. Rubin was accompanied by counsel, including Judge Joseph M. Proskauer, J. Alvin Van Bergh and Leopold Friedman, Loew attorney.

By agreement, examination of Nicholas M. Schenck, president; David Bernstein, vice-president and treasurer, and Jesse P. Mills, controller, has been postponed to the week of Oct. 24 because of accounting problems involved. At that time the officials will be asked to submit the company's books of account.

Seek Dismissal of Davis Action Today

A motion to dismiss the complaint of Betty Davis, alleged stockholder of Columbia Pictures Corp., will be heard by Justice Charles B. McLaughlin in the N. Y. Supreme Court today. Three grounds will be urged for the dismissal. The defense contends that the plaintiff has no legal capacity to sue because she is not a stockholder of record, that the time for bringing the suit has expired, and that no cause of action is stated in the complaint.

The plaintiff alleges that she is the owner of 162 voting trust certificates and charges that alleged misdeeds by the board of directors entitle her to bring the stockholder's suit.

Roxy Allowance Sought

Manufacturers Trust Co., as agent for the distribution of the new first mortgage 20-year 4 percent bonds of the recently reorganized Roxy Theatre Corp., filed application in the U. S. District Court here yesterday for an allowance of $6,385 as commissions and $862 for disbursements.

Industry's Leaders Unveil Tablet and Traffic Stops

(*Continued from page* 1)

Hall. Mrs. John E. Sloan, daughter of Thomas A. Edison, was there. Universal Newsreel and Movietone News turned on their cameras.

The crowd grew.

Paul Hollister, vice-president of Macy's, introduced Mr. Hays. The crowd grew some more. More police arrived. Out in the middle of 34th St. the busses were stalled. In Herald Square everything was stalled, including the commuters. Police pushed and shouted "Move on! Keep Moving!" The fringes of the crowd widened back in swirling eddies toward Eighth Ave.

Listeners on WOR knew Mr. Hays was saying that only in America could motion pictures attain the growth they had attained here under "free institutions." They also heard him say next year the industry would celebrate its golden jubilee, but so far as thousands of onlookers knew there had been another automobile accident.

Mrs. Sloan pulled the American flag to one side revealing a tablet which read: "Here the Motion Picture Began. On the night of April 23, 1896, on this site in Koster & Bial's Music Hall Thomas A. Edison with the Vitascope first projected a moving picture."

The crowd cheered and the police pushed some more. Time passed and the traffic cops began to hope for the best. Those who had some place to go went. Others lingered on to read the tablet that had attracted so much attention.

Schenck, Zanuck, Goetz Sell Stock

(*Continued from page* 1)

194,643 shares and Mr. Zanuck 142,130 shares at the close of August. Joseph M. Schenck, Beverly Hills, a director, disposed of 10,400 shares in a series of transactions throughout the month, leaving him with 119,443 shares.

A number of less important transactions were reported in the stocks of other film companies. Kirk W. Todd, Pittsburgh, director in Grand National Films, wiped out his holdings of common stock in that company with the sale of 150 shares, and John D. Hertz, New York, Paramount director, disposed of all of the 1,000 shares of second preferred stock which he had held through Lehman Brothers.

The most important acquisition of film securities was the purchase throughout the month of 1,200 common voting trust certificates of Universal Corp. by Daniel M. Sheaffer, Philadelphia, a director, bringing his holdings to 14,800 in addition to 26,500 held through Standard Capital Co. Loew's, Inc., continued to pick up Loew's Boston Theatres common stock, adding 36 shares during August to bring its total to 99,670, while a July report for Sam Katz, an officer, showed the acquisition of two shares of Loew's, Inc., common, to bring his holdings to 752 shares.

Ad Drive to Be An MPTO Meet Topic

(*Continued from page* 1)

subjects on the agenda include the question of whether the present anti-trust laws actually prohibit "constructive cooperation" between exhibitors and distributors, and the possibility of the pending Government action resulting in a clarification of the application of the anti-trust laws in their relation to this industry.

Other convention topics include the need for an exhibitor "voice" in the possible drafting of new statutes and legislation affecting the business; exhibitor compliance with the new Federal wage and hour law; the possibility of new Federal and state admission taxes; the exhibitor's part in winning public good will for the industry; voluntary exhibitor action in ending "unfair competitive practices" between theatres; the prospect of an enforced closed shop on small town theatres through unionized film exchanges, and discussions of new theatre equipment.

Mr. Kuykendall's bulletin to M. P. T. O. A. members disclosed that, in addition to representatives of all branches of the industry who have been asked to attend the convention, "prominent officials of the state and Federal governments, including leading members of Congress" are expected to be present.

The Newsreel Parade

European conditions before and after the peace treaty and the launching of the Queen Elizabeth, sister ship of the Queen Mary, are the chief items of interest in the new issue of the newsreels, out yesterday. The reels and their contents follow:

MOVIETONE NEWS—Crisis passed, a picture recording of Europe as war seemed inevitable. Tornado hits Charleston. Days of Dalton Brothers lived in Coffeyville. Mrs. Roosevelt honored at State College in Rhode Island. The *Queen Elizabeth* launched. Futurity classic at Belmont Park. Football games.

NEWS OF THE DAY—Peace comes to Europe as nations prepare for war. World's largest ship set afloat. New York Republicans nominate Dewey for Governor. Gloucester schooner seeks cup. Chicago hails pennant-winning Cubs. Belmont Futurity race. National football.

PARAMOUNT NEWS—Peace ends Europe's nightmare. Picture resume of tense war-scare days. Sen. Vojta Benes speaks at Washington, D. C. Football games around the country.

RKO PATHE NEWS—Mobilized countries at ease as peace comes to Europe. England's Queen Elizabeth christens world's largest ship. Republicans convene at New York. Hank Greenberg's home-run streak broken. Belmont Futurity. Gloucester schooner prepares for coming championship race. Football games.

UNIVERSAL NEWSREEL—War crisis over, Chamberlain returns from Germany. Tornado sweeps across Charleston, S. C. The *Queen Elizabeth* launched in Scotland. Man gives circus to Chicago's poor children. Football games.

Majors Seek Agreement in Trust Action

(*Continued from page* 1)

second meeting between counsel for the five companies and Department of Justice officials which will probably be held in Washington within the next week. As a result, counsel for Universal, United Artists and Columbia, the non-theatre-owning companies, will not attend the subsequent session, it was stated.

No request for an extension beyond Nov. 1 of the time for filing of answers to the Government's bill of complaint has been made by any of the defendants. However, it is believed that in the event the discussions of the stipulation on non-extension of theatre operations are protracted, the Government will not oppose another extension of the deadline if it is requested.

"King" Para. Gross Hits Record $67,000

(*Continued from page* 1)

days in 1937. The current stage bill is headlined by Tommy Dorsey and his band, and Connie Boswell.

Other holdovers are "Drums," which will start a second week at the Music Hall tomorrow, and "Room Service," which is going a third week at the Rivoli.

"Marie Antoinette" took $10,500 in its seventh week at the Astor, and the duration of the run is indefinite. "Mr. Doodle Kicks Off" gave the Rialto $6,000.

"The Affairs of Annabel" will have its Broadway first run at the Palace beginning next Wednesday. "Grand Illusion" will be held a fourth week at the Filmarte. "Rothchild," another French film, will open Tuesday at the Belmont for an extended run.

Erpi and W.E. Are Sued

Nakken Patents Corp. filed suit in the U. S. District Court yesterday against Erpi and Western Electric Co. for an alleged infringement of a patent obtained in 1920 by Theodorus H. Nakken for improvements in "means for transforming light impulses into electric current impulses." The complaint charges that the defendants infringed by manufacturing and selling photo cell amplifier equipment.

Dismiss Voteur Action

The suit of Ferdinand Voteur against Warner Bros. Enterprises, Inc. and Intrastate Theatre Corp. was dismissed by Justice Louis A. Valente in N. Y. Supreme Court yesterday because of the failure of the plaintiff to prosecute the action. Mr. Voteur charged infringement of his composition, "Resurrection Morning" in the Warner film, "The Walking Dead."

"Take It" Opens Strong

"You Can't Take It With You" is playing 70 simultaneous first run engagements across the country following national release of the picture last weekend, Columbia reported yesterday. Grosses were reported strong in all opening bookings.

KING OF FILMS

EASTMAN Super X Panchromatic Negative reigns supreme. . . . Not by virtue of fine grain alone. . . . Not by virtue of speed alone. . . . But by a combination of those qualities with that prime requisite of the fine motion picture, superb and dependable photographic quality. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, Fort Lee, Chicago, Hollywood.)

EASTMAN *SUPER X*

PANCHROMATIC NEGATIVE

"Sinners" Is Los Angeles' Top, $22,000

Los Angeles, Oct. 4.—"Sing You Sinners," with a stage shown, turned in $22,000 at the Paramount. This was the only strong gross in town in spite of the presence of thousands of American Legion men and women.

"Valley of the Giants" dualled with "Blockheads," went $1,400 over the line on a take of $15,400 at Warner's Hollywood and $3,700 over on a gross of $15,700 at the Downtown. Other first runs were weak.

Estimated takings for the week ending Sept. 28:

"HOLD THAT CO-ED" (20th-Fox)
"THE MYSTERIOUS MR. MOTO" (20th-Fox)
CHINESE—(2,500), 30c-75c, 7 days. **Gross:** $10,930. (Average, $12,500)

"ALGIERS" (U. A.)
4 STAR—(900), 40c-55c, 4 days, 11th week. **Gross:** $2,976. (Average, $3,250)

"YOUTH TAKES A FLING" (Univ.)
"THE AFFAIRS OF ANNABEL" (RKO)
HILLSTREET—(2,700), 30c-65c, 7 days. **Gross:** $5,800. (Average, $6,500)

"HOLD THAT CO-ED" (20th-Fox)
"THE MYSTERIOUS MR. MOTO" (20th-Fox)
LOEW'S STATE—(2,500), 30c-75c, 7 days. **Gross:** $10,782. (Average, $14,000)

"YOUTH TAKES A FLING" (Univ.)
"THE AFFAIRS OF ANNABEL" (RKO)
PANTAGES—(3,000), 30c-65c, 7 days. **Gross:** $6,100. (Average, $7,000)

"SING YOU SINNERS" (Para.)
PARAMOUNT—(3,595), 30c-65c, 7 days. Stage: F. & M. revue, Jack Durant, Kenney Gardner, Rube Wolf and his orchestra. **Gross:** $22,000. (Average, $18,000)

"VALLEY OF THE GIANTS" (W. B.)
"BLOCKHEADS" (M-G-M)
WARNER BROS. (HOLLYWOOD) — (3,000), 30c-65c, 7 days. **Gross:** $15,400. (Average, $14,000)

"VALLEY OF THE GIANTS" (W. B.)
"BLOCKHEADS" (M-G-M)
WARNER BROS. (DOWNTOWN) — (3,400), 30c-65c, 7 days. **Gross:** $15,700. (Average, $12,000)

Canada Plans Drive Week

Toronto, Oct. 4.—Following up the original suggestion of Dewey D. Bloom, chairman of the Canadian publicity and radio committee for the greatest year campaign, for a Canadian Moving Picture Week to dovetail with the general features of the drive, the committee has set aside the week commencing Oct. 22 in which to augment campaign advertising with a special program emphasizing Canadian angles.

Billboards are to be used throughout the business sections which will read "Toronto Welcomes Motion Pictures' Greatest Year." There will be special displays in stores and other stunts.

Many Aid Omaha Drive

Omaha, Oct. 4.—Complete reports on the Motion Pictures Greatest Year campaign show 131 independent exhibitors signed pledges totalling $4,007. This figure doesn't include the 45 circuit houses in the area.

President Charles E. Williams of the M.P.T.O. of Nebraska and Western Iowa and D. V. McLucas, Omaha district campaign manager, thanked exhibitors "for their splendid cooperation."

Technicolor Office Opens

Technicolor has opened new offices equipped with projection rooms in the RCA Building, Rockefeller Center.

Hollywood Preview

"The Arkansas Traveler"

(Paramount)

Hollywood, Oct. 4.—This picture makes a star of Bob Burns, actually as well as officially, and perhaps the best single way to exploit it is by forthright declaration of that fact. Mr. Burns plays no bazooka in this film, and commits no slanders upon his Arkansas kinfolk. On the contrary, he proves there is no truth in the theory that the passing of an artist leaves an unrefillable vacuum, for he and Fay Bainter here achieve, without in any sense copying or borrowing, exactly the type of entertainment achieved by the late Will Rogers and Irene Rich 'way back in the "Jes' Call Me Jim" era. It is pretty generally agreed that that was, and is, just about the most thoroughly satisfactory type of entertainment ever contrived for the mass public.

Mr. Burns is about due for some recognition. It was inevitable that he should have been charged with "stealing Rogers' stuff." It is about time for showmen to call public attention to the fact that this was an unfair phrasing of an extraordinary if not unprecedented circumstance. There is important truth and considerable box-office in the Burns record, for, far from "stealing Rogers' stuff," this earnest performer has succeeded, by completely honorable and consistently respectful methods, in carrying forward, into pictures and into radio, the wholesome essentials of the Rogers talent.

In this screenplay by Viola Brothers Shore and George Sessions Perry, from Jack Cunningham's story based on Producer George M. Arthur's original idea, Mr. Burns plays a hobo who stops off in a small mid-American town long enough to save Fay Bainter's newspaper from the local capitalist-politician, Lyle Talbot, by means which make an interesting chronicle of it. He also arranges things romantically for John Beal and Jean Parker, with the aid of the local constable, Irvin S. Cobb. The story is not tremendous, spectacular or earth-shaking, but it's solid, down-to-earth entertainment from start to finish.

A secondary exploitation angle is the expressed and widely publicized approval given the film by William Allen White of Emporia, Kan., to whom it is dedicated.

Running time, 85 minutes. "G." Roscoe Williams

New York Preview

"Stablemates"

(M-G-M)

Call it largely hokum, if you will, this yarn of the stableboy who acquires a race horse, and the stumblebum, once a great veterinarian, who works a surgical miracle on the horse and becomes father to the boy. But add together all the ingredients—fine performances, swell cast names, high production values—and you have ace entertainment, with appeal from top to bottom of the patronage scale, and something for the showmen to cotton to.

Once again we record a splendid performance for young Mickey Rooney, who should curb a slight tendency to overdo his tearful scenes. Teamed with him, and also most excellent, is Wallace Beery. It is their picture, and although Margaret Hamilton offers an amusing bit as the woman with "designs," no one else in the cast is of any consequence.

It isn't the story, which basically, has been done before. It's the way it's done by Rooney and Beery, plus the production values and one particular hair-raising finish on the track which contribute so heavily to the top-scoring film this turns out to be.

Under the production hand of Harry Rapf, Sam Wood directed from an original story by William Thiele and Reginald Owen and a screenplay by Leonard Praskins and Richard Maibaum. Mr. Wood made the most of the dramatic moments at his disposal, and permitted Beery to carry the weight of the comedy in his wholly appealing fashion.

The yarn finds Beery, led to wrong paths years before and wanted by the police, coming upon young Rooney, who has been given a horse which refused to run. Beery diagnoses the ailment, cures it by an operation, and the two become self-adopted father and son. Eventually they bring the horse to the track, Rooney pretends to throw over his "father" to save him from the police, but Beery gladly faces the music, knowing the boy will wait for him with his winning horse.

Running time, 89 minutes. "G." Charles S. Aaronson

"Sinners" Is Chicago Lead With $35,000

Chicago, Oct. 4.—"Sing You Sinners" was the bright spot in the Loop last week with $35,000 which was $3,000 above average.

"Three Loves Has Nancy" at the Roosevelt and "Algiers" at the United Artists were other better-than-average performers in a dull week. "Room Service" at the Palace and "Hold That Co-ed" at the Garrick completed satisfactory second weeks.

The weather was fair and warm throughout the week. Matinees were hard hit with thousands either attending or listening to the ball games, as the Chicago Cubs battled the Pittsburgh Pirates for the National League pennant.

Estimated takings for the week ending Sept. 29-30:

"I Am the Law" (Col.)
APOLLO — (1,400) (35c-55c-65c) 7 days. Gross: $6,100. (Average, $6,500)

"Sing You Sinners" (Para.)
CHICAGO—(4,000) (35c-55c-75c), 7 days. Stage: Roger Pryor & Band. Gross: $35,000. (Average, $32,000)

"Hold That Coed" (20th-Fox)
GARRICK—(900) (35c-55c-75c) 7 days, 2nd week. Gross: $5,000. (Average, $6,500)

"Room Service" (RKO)
PALACE — (2,500) (35c-55c-75c) 7 days, 2nd week. Stage: Chester Hale Girls Revue. Gross: $17,000. (Average, $19,000)

"Men Are Such Fools" (W.B.)
STATE-LAKE — (2,776) (20c-25c-30c) 7 days. Stage: Vaudeville Revue. Gross: $11,600. (Average, $13,000)

"Three Loves Has Nancy" (M-G-M)
ROOSEVELT—(1,300) (35c-55c-75c) 7 days. Gross: $12,500. (Average, $11,000)

"Algiers" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days. Gross: $16,000. (Average, $15,000)

Detroit Theatres Aiding

Detroit, Oct. 4.—H. M. Richey, head of Co-Operative Theatres of Michigan, Inc., says 72 per cent of the approximately 100 theatres in the Detroit area are participating in the "Movie Quiz" campaign. Assessment outlays for the booklets approximate $8,000, he says.

Wall Street

General Board Decline

	Open	High	Low	Close	Net Change
Col.	14⅞	15⅛	14½	14½	— ¼
Cons.	1⅝	1⅝	1½	1⅝	.....
Cons. pfd. .	8	8	8	8	— ¼
E. K.	178½	178½	178½	178½	+1½
E. K. pfd.	166	166	166	166	—1
G. T. E.....	15⅜	15⅜	15¼	15¼	— ¼
Loew	51⅜	52	51⅜	51⅞	— ⅛
Para.	11	11⅛	11	11	.....
Para. 1.....	88½	89	88½	89	.....
Para. 2.....	11⅛	11⅛	11⅛	11⅛	.....
Pathe	9⅜	9⅝	9⅜	9⅜	— ⅜
RKO	2½	2½	2⅜	2⅜	— ⅛
20th Fox ...	26½	26⅞	26½	26¾	— ⅛
Univ. pfd...	40	40	40	40	+2
W. B.......	6½	6¾	6⅜	6⅝	.....

Curb Issues Quiet

	Open	High	Low	Close	Net Change
G. N.	7/16	7/16	7/16	7/16	+1/16
Tech.	21⅞	22	21⅞	22	+ ¼
Univ. Corp.	3¼	3¼	3¼	3¼	.....

Light Bond Movements

	High	Low	Close	Net Change
Loew 3½s '46.....	102¼	102¼	102¼	.....
Para. Pict. '47....	78	78	78	.....
RKO 6s '41........	66⅞	66	66⅞	— ⅛
W. B. 6s '39......	81	79½	79½	—2

(Quotations at close of Oct. 4)

Rathbone Helping on "King" N.E. Opening

Basil Rathbone left yesterday for a personal appearance tour of New England cities where he will be interviewed by newspaper critics in connection with the pre-release engagement of Paramount's "If I Were King" in six M. & P. Circuit theatres. In New Haven, Mr. Rathbone will present a working script of the picture to the head of the English department at Yale and later address the dramatic class under Professor Nichols. At Boston, Mr. Rathbone will be met at the city line by a motorcycle escort.

"If I Were King" will open Oct. 12 at the M. & P. Capitol, Worcester; Allyn, Hartford; Paramount, New Haven; Olympia, New Bedford; Metropolitan, Boston, and Strand, Newport. Advance bookings also have been set at the State, Portland, Me., Oct. 19 as well as the Chicago, Chicago, and Paramount, San Francisco, Oct. 21.

Rebuttal Testimony Given in SDG Case

Hollywood, Oct. 4.—Barry Brannen today opened the Screen Directors' Guild hearing with rebuttal testimony by calling as witnesses Nate Watt, assistant director to Frank Borzage.

Mr. Watt testified that he guided the shooting of more than half the battle scenes of "All Quiet on the Western Front." Mr. Borzage testified that Watt took over the shooting of "No Greater Glory" when his brother was ill. Producer testimony given previously was to the effect that assistants have no authority to direct. The hearing was recessed until Thursday.

Unit in K. C. Votes Against Dissolving

Kansas City, Oct. 4.—The Majority of the members of the Independent Theatre Owners of Kansas City, have voted not to dissolve the association. Such a motion was presented and defeated. The group will retain its charter and continue, according to E. E. Webber, Jr., president.

Effort will be made to effect a cooperative tieup with the Kansas-Missouri Theatres Association, and Secretary John Wolfberg has been authorized by the I. T. O. to take a mail vote on the proposal.

The "CONTINENTAL" to LOS ANGELES

Deluxe overnight Sleeper

★ Latest evening departure—7:15 p.m. (DST)—with arrival for morning business in Hollywood. Or take United's famous Overland Flyer, another Sleeper plane, leaving at midnight. Fast, luxurious, fewest stops.

RESERVATIONS at 58 West 42nd Street, MUrray Hill 2-7300. Or travel bureaus, hotels

UNITED AIR LINES
The Main Line Airway

Variety Club Chatter

Cleveland

Cleveland, Oct. 4. — Cleveland Variety Post No. 313 of the American Legion has elected Howard Roth, Paramount booker, commander for the coming year. Other officers elected are: First vice-commander, John Himmelein; 2nd vice-commander, Holbrook C. Bissell; financial officer, Nat Barach; adjutant, Dr. Abe Bubus; sergeant-at-arms, Jack Sogg; 2nd sergeant-at-arms, Joe Swee; chaplain, Aaron Wayne.

Meetings for the year will be held in the American Legion headquarters at the Arena instead of in the Variety Club as previously.

Detroit

Detroit, Oct. 4.—Variety Club has resumed its fall and winter noon luncheons in the English grill of the Book-Cadillac. Judge Joseph A. Moynihan was the principal speaker at the first gathering.

Weekly Saturday night frolics will be resumed Oct. 8. Eddie Heiber and Mrs. Heiber will be host and hostess.

A new weekly social evening to be called Junior Variety Night is to be started Oct. 14 for sons and daughters of members. Mrs. Philip Kaplan will be general chairman for the season.

Indianapolis

Indianapolis, Oct. 4. — Saturday night gala events have been resumed by Tent No. 10. The Warner staff was host at the first party, with Fred Greenberg heading the arrangements committee.

Pittsburgh

Pittsrurgh, Oct. 4.—Oct. 10 has been set as the date on which the annual election of officers will be held.

Tony Stern has been down with the flu for several days. Dave Broudy's son, Buddy, brought him back a couple of batons from Paris. George Tyson around again after spending the summer in Atlantic City, where he put on the Miss America pageant.

Washington

Washington, Oct. 4.—Tent No. 11 will hold its fifth annual banquet and ball at the Willard Hotel Nov. 19. Two orchestras will supply music and talent for the entertainment is being lined up. Rudolh Berger heads the general committee.

Other committees include: Dinner—Carter Barron, chairman; Tom O'Donnell and Harry Somerville; tickets—Archie Engel, chairman; Harry Brown and Carroll Dikeman; publicity—Ray Bell, chairman; Nelson Bell, Andrew R. Kelley and Jay Carmody; reception—J. B. Fitzgerald, chairman; Harry Bachman, Bob Denton, Dr. Frank Bernard, Ned Bord, John Chevalier, Fred Rohrs and P. Ershler.

Entertainment — Hardie Meakin, chairman; Clarke Davis, Guy Wonders, Gene Ford, Harry Anger and Phil Hayden; printing — Sam Wheeler, chairman; Nate Sauber, Sam Flax and C. MacGowan; program—Sidney Lust, chairman; Floyd Akers, George Crouch, Eddie Melniker and Floyd Kogod; decorations —Charles Schulman, chairman; Herbert Sauber, Jules James, Nat Glasser and Allan Baerach; talent hosts—Eddie Plohn, chairman; Dr. Frank T. Shyne, Adlai Mann; reservations — Joseph Makover, chairman; out-of-town contacts—Eddie Fontaine, chairman.

Ontario May Renew Theatre Ticket Tax

Toronto, Oct. 4.—Premier M. F. Hepburn of Ontario is considering a renewal of the amusement tax in revised form as a source of relief revenue for municipalities, the impost to be levied on a Provincial basis.

The first proposal, from the Ontario Mayors Association, was for permissive legislation by the province which would enable the municipalities to adopt a local bylaw for the tax. Word has come, however, that the city councils do not favor this plan for political reasons. Accordingly, the Ontario leader is considering an act of the Legislature which would provide for the collection of the ticket tax once more with the cities and towns receiving the proceeds after a reduction for departmental expenses.

James King Is Promoted

Boston, Oct. 4.—James King has been promoted to the publicity staff of the RKO Memorial and the RKO Boston. He will be assistant to John Granara. Mr. King was formerly stage manager at the RKO Boston.

NLRB Sets Oct. 14 For SWG Meeting

Hollywood, Oct. 4.—Dr. Towne Nylander, regional N.L.R.B. director, today set Oct. 14 as the date for a conference with Screen Writers' Guild representatives on the writers' formal charges that studios have failed to negotiate with it as the exclusive collective bargaining agency. The conference is expected to determine the procedure to be followed.

Theatres Change Hands

Kansas City, Oct. 4. — Recent theatre deals in the area include: purchase of the Shafer at Edgerton, Mo., from Abe Shafer by Baker Enterprises; sale of the Aladdin, Mound City, Kan., by Lauck & Moodey to Roy Williamson; purchase of the Delharco, Concordia, Kan., by W. D. Fite from Delmar Harris; leasing of the Roanoke here by Frank Amos from E. S. Young.

Mizell Named Manager

Montgomery, Ala., Oct. 4.—Charles Mizell has been named manager of the Strand here, Alabama Theatres, Inc., house. He replaces F. J. Nickens, resigned.

Purely Personal

Jack L. and Mrs. Warner are scheduled to sail on the *Queen Mary* tomorrow to attend the opening of the new Warner Theatre in London Oct. 12. John Mark, Paramount story editor in London, and Lily Damita are also booked.

•

John B. Nathan, Paramount general manager in Argentina, Paraguay and Uruguay, will arrive in Hollywood from New York today for conferences at the studio on general product and Spanish features.

•

Gloria Wood, daughter of Sam Wood, M-G-M director, is appearing in a roadshow company of "You Can't Take It With You." Her stage name is Katharine Stevens.

•

Jack Harris, Skouras circuit executive, is celebrating the arrival of a daughter—which makes C. C. Moskowitz of Loew's an uncle again.

•

Leo A. Pollock, at one time with Cosmopolitan Productions, is now publicity manager for John E. Otterson's Tri-National Films.

•

Mrs. Tom Pryor, wife of the *Times* reviewer, is recunerating from an appendicitis operation at Roosevelt Hospital.

•

Nicholas M. Schenck, president of M-G-M, plans to leave late this month on his fall visit to the studios.

•

Cameron Hall, English actor, will sail today on the *Manhattan.*

•

John Payne, Warner player featured in "Garden of the Moon," will arrive in town today accompanied by his wife, Anne Shirley.

•

Helen Claire, who has the lead in "Kiss the Boys Good-Bye," now on Broadway, is a commentator for Movietone News.

•

Grant Leenhouts' and Walter Herzbrun's "Live Bait" has been acquired by M-G-M.

THE MERCURY

GIANT SKYSLEEPERS

OVERNIGHT TO LOS ANGELES

Fly the Southern SUNSHINE route overnight to Los Angeles. Through service. No change of planes. Giant SKYSLEEPERS. Complimentary meals served by stewardesses.

Mercury
Lv. 5:10 p. m.
(only 3 stops)

Southerner
Lv. 9:00 p. m.
(only 5 stops)

FOR RESERVATIONS: Call Your Travel Agent or VANderbilt 3-2580. Ticket Offices: 45 Vanderbilt Ave., and Rockefeller Center, 18 W. 49th St,

AMERICAN AIRLINES Inc.

Radio Personals

MARK WARNOW has been re-signed to a five-year contract as a musical director for CBS . . . David Ross has been signed as the announcer for the Fred Waring series, and Allan Kent has been signed for similar duties on the new Hobby Lobby show . . . Herman Bernie, for Myron Selznick, Ltd., has set a guest appearance for Chester Morris on the Kate Smith broadcast of Oct. 13 . . . Sammy Kaye, Count Basie and Henry Busse will appear with the orchestras Sunday night at the Professional Music Men's benefit dance at the Manhattan Opera House, in addition to Tommy Dorsey, Larry Clinton, Cab Calloway and Russ Morgan.

+

St. Louis

Russ David, musical director of KSD, will double as organist on the new Hammond electric organ the station has installed . . . Irene Virginia Miller, torch singer on WTMV, is in Chicago on vacation . . . Rose Kaye, dramatic art instructor for Meglin-Fanchon & Marco, has joined the KXOK dramatic staff. Howard E. Woodward, announcer, is substituting for Johnny Sneeberger, WTMV script writer and sports announcer, while the latter is on vacation . . . Paul Codt, WTMV's program and musical director, is back from vacation.

"Plays" Back on NBC

"Great Plays," a series of dramatizations of famous stage plays, will be returned on NBC for another season beginning Oct. 15. The programs will be broadcast Sundays from 1 to 2 P.M on the Blue network. Thirty plays in all will be broadcast. Burns Mantle dramatic critic of the *Daily News* will serve as commentator. Blevins Davis will supervise with the cooperation of Louis Titterton, script division manager, and William Rainey, manager of the NBC production department.

Chevrolet Will Resume

Chevrolet will resume spot broadcasting over about 250 stations next week, through the Campbell-Ewald agency. A series of musical programs transcribed by World Broadcasting will be used.

Editors on WHB Program

KANSAS CITY, Oct. 4.—John Cameron Swayze, radio editor of the *Journal-Post,* and Parke Carroll, sports editor, have a daily program on WHB sponsored by Royal Crown Cola.

Warburton to Canada

Charles Warburton, NBC production director, has been loaned by that network to the Canadian Broadcasting Corp. for an indefinite period to assist in the production of Shakespearean programs.

Three Stations Get INS

International Broadcasting Corp., for WOV-WBIL, New York, and WPEN, Philadelphia, has signed for International News Service. The INS coverage will augment the present news broadcasts of those stations.

Two Blackett Shows Are Renewed on NBC

Two programs produced by Blackett-Sample-Hummert, "Stella Dallas" and "Backstage Wife," have been renewed on NBC, and additionally, a contract for a program on WJZ for the Arco Skate Co. has been placed by the Gussow-Kahn agency.

"Stella Dallas," sponsored by the Charles H. Phillips Chemical Co. has been renewed for one year on the Red network, as has "Backstage Wife," also sponsored by Phillips.

"Behind the Scenes in Sports" is the title for the Arco Skate Co. program. It will begin Dec. 12 and will be heard Mondays over WJZ from 4:45 to 5 P. M. for a period of six weeks.

Two Are Sponsoring Alabama Ball Games

BIRMINGHAM, Oct. 4. — Alabama football games are being broadcast this fall under the auspices of RCA-Victor and Coca Cola. R. P. McDavid & Co., RCA-Victor distributors, will sponsor all University of Alabama football games over the *News Age-Herald* station, WSGN, while Coca Cola will alternate with Auburn and Alabama games over WAPI and WSGN.

In addition WSGN has completed a state network for its broadcasts which will include the following stations: WHBB, Selma; WMSD, Sheffield; WJBY, Gadsden, and WMFO, Decatur.

Mutual Prepares New Educational Series

An ambitious educational series for various school grades will be added to the Mutual schedule beginning Oct. 10. The program, created by WLW, Cincinnati, will be broadcast Mondays, Tuesdays, Wednesdays Thursdays and Fridays from 10 to 10:30 A. M., and will originate in principal cities throughout the country where Mutual stations are maintained. The programs will be produced under the supervision of Joseph Ries, WLW educational director.

To Revise P. & G. Shows

Several of the current Procter & Gamble programs on CBS will be revised shortly. "Vic and Sade" will complete their stay on that network Nov. 4, and will be replaced by a new program, title not announced, beginning Nov. 7. The new show will be heard over a 25-station hookup. The "Gospel Singer" will conclude on CBS Nov. 4, to be replaced by "Life Can Be Beautiful," currently on NBC. Twenty-seven stations will be used for this series.

Dick Fishell Joins WHN

Dick Fishell has resigned from WMCA to join WHN as sports commentator and director of sports broadcasts. He will continue as the announcer and em cee on the NBC network program "For Men Only."

Movietone Signs Knight

Felix Knight, radio tenor, has been signed to sing for two Fox Movietone shorts with Nathaniel Shilkret and orchestra.

Canada Takes 'News'

General Foods Corp., sponsors of the M-G-M "Good News" program, has signed with the Canadian Broadcasting Corp. for presentation of that series over the complete Canadian system. Here, the series is heard on the NBC-Red network, and WHN in New York.

Ask Permission for Station in Florida

WASHINGTON, Oct. 4.—Applications for authority to construct two new broadcasting stations have been filed with the Federal Communications Commission, the Panama City Broadcasting Co. asking for a 1,200-kilocycle station at Panama City, Fla., with 100 watts power night, 250 watts day and the Bellingham Broadcasting Co., Inc., asking for a station with the same frequency and power at Bellingham, Wash.

The commission also received applications from WBNX, New York, for authority to move its transmitter from Cliffside Park to Carlstadt, N. J., and increase power from 1,000 to 5,000 watts, and WTHT, Hartford, asking for an increase in day power from 100 to 250 watts.

WMBR, Jacksonville, seeking a change in frequency from 1,370 to 1,120 kilocycles and an increase in power from 100 watts night, 250 watts day, to 1,000 watts, filed an amended application asking for power of 500 watts night, 1,000 watts day.

Seek New Hearings On Ruling of F.C.C.

WASHINGTON, Oct. 4. — WBBC and WVFW, Brooklyn, and the Federal Communications Commission have joined in asking the Court of Appeals for the District of Columbia to remand for further hearings before the F.C.C. a case involving a ruling made more than a year ago by the commission barring WLTH and WARD from the air. The F.C.C. said that the purpose of the request was to allow a new statement of fact to be prepared.

The suit arose from the commission's attempts to untangle a snarl among four Brooklyn stations, WBBC, WF VW, WLTH and WARD, to which had been awarded a single channel, each using the channel one-fourth of the time. A year ago the commission decided to eliminate WLTH and WARD and give their time to WBBC. WLTH and WARD took the matter into court, where it has been since.

Film Library Radio Topic

Sidney Kaufman, conducting "Cinema Comment" on WQXR, will discuss the Film Library of the Museum of Modern Art, Rockefeller project, which assembles motion pictures for reference and historical purposes, on his program tonight. He will have as his guest John E. Abbott, director of the Film Library.

Tom Kearns Leaves WOR

Tom Kearns of the WOR publicity staff has resigned. Johnny Johnstone, publicity director, has not yet filled the vacancy.

O'Neill Lines To Be Studied By the F.C.C.

(*Continued from page* 1)

in Eugene O'Neill's prize-wi[illegible] play, "Beyond the Horizon," an NBC sustaining program carried by a number of stations was broadcast.

The motion to grant a renewal of the station's license was passed over to "Give opportunity to all members of the commission to study the matter," it was explained.

Approximately 40 NBC stations carried the broadcast in question, all of which are equally liable to commission action. WTCN, however, was the first acted upon because its semi-annual renewal of license application is up for consideration.

Contesting Station Pleas Up on Oct. 31

WASHINGTON, Oct. 4.—The Federal Communications Commission today scheduled examiners' hearings for Oct. 31 at which will be heard the applications of William H. Bates Jr. and Thomas R. McTammany, for a 740-kilocycle, 250-watt daytime station at Modesto, Cal., each seeking the facilities of KTRB, and the application of Bernard Goldsmith for a 1,420-kilocycle, 100-watt daytime station at Metuchen, N. J.

On Nov. 23, an examiner will hear the application of the Suffolk Broadcasting Corp. for a 1,200-kilocycle station at Suffolk, Va., with 100 watts night, 250 watts day. and on Dec. 5 a hearing will be held on the application of the Coastal Broadcasting Co. for a 1,420-kilocycle station at Brunswick, Ga., also with 100 watts night, 250 watts day.

WOW Plugs Bring 40,000 to Food Show

OMAHA, Oct. 4.—Sponsored for the first time by a radio station, WOW, Omaha's annual food show pulled over 40,000 in a week at the city auditorium. WOW gave the show a lot of advance plugging and had Irene Rich here two nights.

The nightly show also included Carl "Deacon" Moore and his band, Jack Baker, Marge Hudson and Munson Compton. The studio band handled afternoon shows.

Open CBS Show Tonight

"The Curtain Rises," a new dramatic series in which will appear such players as Barbara Stanwyck, Henry Fonda, Robert Benchlev, Irene Bordoni and Tullio Carminati, will begin over CBS tonight from 9 to 9:30 P.M., and Wednesdays thereafter at that time. The program will give behind-the-scenes views of the three major amusement industries, motion pictures, stage and radio. The programs will originate in New York and Hollywood.

Ferris to Benton Agency

Clinton S. Ferris has just joined Benton & Bowles in New York City. Mr. Ferris came to New York from Blackett-Sample-Hummert, Chicago.

DO NOT REMOVE

Alert.
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

V[illegible] 44. NO. 68 NEW YORK, THURSDAY, OCTOBER 6, 1938 TEN CENTS

TRADE ADJUSTMENTS ASSURED EXHIBITORS

Admission Tax For Year Tops $20,800,000

Over Million Above 1937 Total, Report Shows

WASHINGTON, Oct. 5.—Admission taxes collected by the Government during the fiscal year ended June 30, last, topped $20,800,000, according to the Internal Revenue Bureau.

The year's collections of $20,800,779.49 compared with $19,740,191.78 during the fiscal year 1937, with every class except admissions to roof gardens and cabarets showing an improvement.

Of major interest were the taxes collected on box-office admissions, which increased from $17,367,439.19 during 1937 to $18,423,307.09 during the year recently ended. Other increases reported were in taxes on free

(*Continued on page* 10)

G. N. to Open Three New Exchanges Soon

Grand National will open three new exchanges immediately, bringing its total of distribution branches to 32, Edward L. Alperson, general sales manager, said yesterday on his arrival here from Chicago.

The new offices will be opened in Memphis, Oklahoma City and Butte. Their personnel will be appointed by the district managers in charge of each territory, completing the initial sales setup.

New assignments of branch managers were made known yesterday by Mr. Alperson. William Crystal has been transferred from the Omaha branch to Minneapolis; Glen Gregory going from Minneapolis to Denver, and Bradley Fish from Denver to San Francisco, filling a vacancy there. William Henelein has been appointed

(*Continued on page* 10)

Actors' Guild Agrees To Control Members

HOLLYWOOD, Oct. 5.—For what is believed the first time in the history of the film industry, a labor organization holding a collective bargaining contract with producers has taken upon itself the discipline of its members who might cause loss of money to their employers.

This was disclosed today in the new eight-year contract negotiated by the Screen Actors' Guild with producers, which will go into effect Nov. 1.

If a player is late for work and causes overtime to be paid to princi-

(*Continued on page* 10)

"Definite Assurance"—

The complete statement issued yesterday by Ed Kuykendall, M.P.T.O.A. president, disclosing that the distributors' negotiating committee headed by Sidney R. Kent has given exhibitors definite assurances that "decisive adjustments in trade practices will be made this month," follows:

"Motion Picture Theatre Owners of America's long, hard fight against great odds brought about by those seeking credits rather than sincerity of purpose is finally bringing about definite results to replace idle chatter. The M.P.T.O.A. committee who have been meeting with various major distributors during the past few weeks can definitely assure theatre owners of immediate meetings with the distributors out of which will come decisive adjustments in trade practices.

"We have the assurance of Sidney R. Kent of 20th Century-Fox and William F. Rodgers of M-G-M, who represent the distributors' committee, that meetings will take place at the earliest possible date consistent with ability of interested parties to come to New York.

"M.P.T.O.A. invites the representatives of all units, regardless of affiliation, to sit in with us for a discussion of common problems, and whether they sit with us or not we hope they will attend these conferences. We are seeking results. Let credits fall where they may.

"The motion picture industry as a whole knows that M.P.T.O.A. has made a constructive fight for fair trade practices under the heading of our 'Ten Point Program' and there has been no real reason for the delay

(*Continued on page* 2)

Tablet Honors Edison and History Gets Another Jolt

By AL FINESTONE

Henry Ford, a close friend of Thomas Alva Edison, is credited with having said, for the record, that history is the bunk.

Some history sure is, it was noted by industry historians yesterday as they peered at the bronze tablet affixed on the 34th St. side of Macy's and dedicated with appropriate oratory by Will H. Hays and others Tuesday morning as marking the site of Koster & Bial's Music Hall where, 43 years ago, films were shown to the first paying audience.

The tablet commemorates the fact and also that "Thomas A. Edison with the 'Vitascope' first projected a moving picture" on the spot.

There it is—for the ages. And everything seems to be in order, except for one or two stubborn facts. The Vitascope was the invention of Thomas Armat, who still operates a laboratory in Washington. Mr. Armat was in the projection booth on that memorable night of April 23, 1896, when "The Buffalo Express" was screened to a silk-hatted audience as a unit of Koster & Bial's vaudeville show. Mr. Armat's Vitascope was manufactured at the Edison plant and Edison film was used. Mr. Edison was in a box at the show.

The neglect of recognition for Mr. Armat, it seems, came about this way: The Motion Pictures' Greatest Year campaign committee, seeking historical accuracy for the commemoration, consulted with Terry Ramsaye, editor of *Motion Picture Herald,* historian of the motion picture and a friend in the confidence of Thomas Edison.

By painstaking research, Mr. Ramsaye has long since been able to clear away the fog of conflicting claims which surrounded the invention of the motion picture mechanism. While Mr. Edison is the undisputed inventor of the camera, Mr. Ramsaye has proved

(*Continued on page* 10)

Kent, Rodgers Promise Program—Leaders To Convene Here

A program of self-regulation of trade practices covering "decisive adjustments" of exhibitors' basic complaints will be delivered to a national exhibitor committee within the next two or three weeks by the distributors' negotiating committee of which Sidney R. Kent is chairman.

This was revealed yesterday by Ed Kuykendall, M. P. T. O. A. president, following conferences with Mr. Kent and William F. Rodgers, temporary chairman of the committee.

In a statement issued following the meeting, Mr. Kuykendall said that the M. P. T. O. A. was not claiming credit for the distributors' action and revealed that representative exhibitors of all and sundry organizational affiliations are being asked to participate in a preliminary meeting to be held here the week after next to obtain representative views on the trade reforms believed to be most necessary. Following the preliminary meeting the exhibitors will convene with the distributors' negotiating committee to hear its proposals for self-regulation and to negotiate further with the committee, if that is necessary.

While no official statement was issued by the distributors' negotiating committee, usually well informed sources appeared confident that the program which has been evolved for presentation to the exhibitors will include major adjustments of important and immediate benefit to all exhibitors. The opinion available yesterday in distribution quarters was that the negotiating committee is prepared to agree to the establishment of local conciliation boards which will be empowered

(*Continued on page* 2)

Pinanski Reelected By Allied of Mass.

BOSTON, Oct. 5.—Samuel Pinanski of M. & P. Theatres has been reelected president of Allied Theatres of Massachusetts, Inc., for a third term. John H. Devlin of Loew's Theatres has been reelected vice-president, with Stanley Sumner as treasurer and Joseph H. Brennan as secretary.

The new board of directors includes Charles W. Koerner and Ben Domingo of RKO Theatres, H. M. Addison and George A. Jones of Loew's, J. J.

(*Continued on page* 10)

Trade Changes Are Promised To Exhibitors

(*Continued from page 1*)

to hear and adjust a wide variety of exhibitor-distributor complaints; that it will also include abandonment of the score charge and an unqualified cancellation privilege running as high as 20 per cent for the bulk of the nation's exhibitors and probably being keyed to an average scale of film rentals.

While it could not be definitely ascertained whether or not the distributors' committee will be authorized to speak for all eight major companies, it is generally believed that such will be the case. Warners, which declined to participate in the M. P. T. O A program of two years ago on advice of company counsel, may decide to act individually, rather than through the committee, although no official information on this was available yesterday. The opinion was general, however, that once the companies represented by the committee have taken action, others will be virtually obliged to follow for business reasons.

It appeared evident that the negotiating committee's action is being taken without any clear advance pronouncement from the Department of Justice on its attitude toward the move. However, it is believed likely that once the program has been put into effect, a detailed report of its contents and aims will be filed with department officials.

Other Groups to Attend Meet

The preliminary exhibitors' meeting here is expected to include members of the executive committee of M. P. T. O. A., and representative members of other organizations. Officials of all exhibitor units will be admitted to the session, such as Allied States and I. T. O. A. officers and those of regional organizations.

Nicholas M. Schenck of Loew's and Leo Spitz of RKO are alternate chairmen of the distributors' committee. Ned E. Depinet of RKO and A. Montague of Columbia are members, in addition to Mr. Kent and Mr. Rodgers.

The self-regulatory program is the first of its kind to materialize in the exhibition and distribution trade practice field, although exhibitors have agitated for adjustments for more than 10 years. In June, 1936, the M. P. T. O. A. evolved its 10-point program of self-regulation and succeeded after many months of negotiation in having it partially accepted by seven major companies, only to have it collapse later through what was attributed to be legal opposition.

Gable for British Film

London, Oct. 5.—Gabriel Pascal stated here today that Clark Gable will have a prominent role in "The Devil's Disciple," which will go into production at the Pinewood Studios early next year.

Remodel Waldorf Theatre

Irvin Shapiro, general manager of World Pictures, Myron Robinson and A. S. Mossbach have taken over the Waldorf Theatre and are remodeling it.

"Definite Assurance"—

(*Continued from page 1*)

in bringing them about. Now our dreams are coming true and we will get results.

"Naturally the discussions will be around our 20 per cent cancellation demands, conciliation boards, abolition of score charges and designated playdates. There will of course be other problems to work out.

"Meetings will be within the month of October. As soon as definite dates are set representatives of M.P.T.O.A. units will be in New York for the discussions and again we invite representatives of any other units to sit in with us.

"May I repeat—industry problems can be worked out within the industry if interested parties are sincere in their efforts and of course the results of these meetings will decide to a great extent the action of the M.P.T.O.A. convention at Oklahoma City, Oct. 30 to Nov. 2, inclusive."

◀ *Purely Personal* ▶

S. A. Lynch, who arrived in New York from an extended European visit this week, will remain here till the middle of the month before leaving for Miami.

•

Y. Frank Freeman, Paramount theatre head, will be back in New York tomorrow from Chicago.

•

Mary Pickford is expected in New York today from Columbus, O.

•

Dr. A. H. Giannini plans to leave for the coast tomorrow.

•

Lou Irwin left for the coast via TWA last night.

Stockholders File Loew Delaware Suit

Wilmington, Oct. 5. — Three Loew's, Inc., stockholders filed a bill in Chancery Court here today charging excessive compensation, including fixed and percentage payments and stock options are provided for under contracts by Loew's, Inc., with various executives and others to the detriment of stockholders.

Many Hollywood notables are named in the bill which lists other asserted irregularities. Among the defendants are Norma Shearer, Louis B. Mayer, Nicholas M. Schenck, Arthur M. Loew, David Bernstein, J. Robert Rubin, George N. Armsby, Isadore Frey, Leopold Friedman, Charles C. Moskowitz, John R. Hazel, Al Lichtman, William A. Parker, William A. Phillips, Bernard H. Hyman, Sam Katz, Edgar J. Mannix, Harry Rapf, Benjamin Thau, L. A. Weingarten, Mervyn Leroy, Hunt Stromberg, and Loew's.

Edgar F. Stiner, Hana W. Goldstein and Louis Susman are the complaining stockholders. Chancellor Josiah O. Wolcott named Albert L. Massey as sequestrator to sequester 1,000 shares of stock each of Mr. Mayer and Mr. Schenck and 500 shares of Arthur M. Loew and the Irving Thalberg estate executors to insure their appearance in the suit. Defendants are to appear Nov. 12.

Carroll's Hollywood Restaurant Started

Hollywood, Oct. 5.—Construction of Earl Carroll's theatre-restaurant, opposite the new CBS and the new NBC headquarters on Sunset Blvd., has been started, with the opening date set for Christmas night.

On the board of governors are Darryl F. Zanuck, Norman Chandler, Harry Cohn, Reese H. Taylor, Walter Wanger, Harold Lloyd, Walt Disney, George McManus, William Goetz, Earle C. Anthony and Cecil B. DeMille.

MGM Signs Harman, Ising for Cartoons

Hollywood, Oct. 5.—M-G-M today signed Hugh Harman and Rudolph Ising, as individual cartoon producers, to seven-year contracts calling for each to produce nine one-reel cartoons annually, in Technicolor. The 18 productions are to be in addition to an indefinite number to be made under the supervision of Milt Gross.

The deal was signed by Fred Quimby, in charge of shorts for M-G-M, under whom both Mr. Harman and Mr. Ising will work. The pair head the company bearing their names and formerly released cartoons through M-G-M. It is now undergoing reorganization under the Bankruptcy Act. The new deal in no way affects the status of the Harman-Ising firm.

Sarnoff, Phillips File in Trust Case

David Sarnoff, RCA president, and member of the RKO board of directors, and William P. Phillips, vice-president and treasurer of United Artists Theatre Circuit, filed appearances in U. S. District Court here yesterday in the Government anti-trust suit against the organized industry, indicating that service on the two has only now been completed.

Mr. Sarnoff will be represented in the case by Donovan, Leisure, Newton & Lombard, RKO counsel, and Mr. Phillips by Dwight, Harris, Koegel and Kaskey, 20th Century-Fox counsel.

Will Preview "Rapture"

Universal will have a special preview of "Dark Rapture," the African film produced by Armand Denis and his wife, Leila Roosevelt Denis, at the Chanin Theatre, Friday night. Col. and Mrs. Theodore Roosevelt, society people and newspaper writers have been invited.

Ten Points in MPTO Plan Up Since '36

The M. P. T. O. A.'s 10-point trade practice program, originally proposed to distributors in June, 1936, incl[illegible] everything likely to be covered in the new plan for self-regulaton of trade practices which will be completed this month through national exhibitor meetings with the distributors' negotiating committee headed by Sidney R. Kent.

The basic points in the M. P. T. O. program are (1) an unrestricted 20 per cent cancellation right; (2) establishment of local conciliation boards for the adjustment of exhibitor-distributor complaints; (3) elimination of the score charge; (4) a ban on forcing the sale of shorts with features; (5) elimination of designated play dates; (6) a prohibition on overbuying of product; (7) a correction of "unfair" clearance and zoning schedules; (8) adoption of a short form of exhibition licensing agreement; (9) a curb on cut-rate competition between theatres, and (10) a curb on non-theatrical competition.

The major phases of the program, and those which, it is believed, any acceptable industry plan will embrace, are the cancellation, score charge and conciliation board issues. The local boards are regarded as the answer to the other seven points.

"Tralee" to Open House

The new Irish Theatre at 47th St. and Sixth Ave. will open Oct. 21 with "The Rose of Tralee."

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; J. M. JERAULD, Managing Editor; JAMES A. CRON, Advertising Manager. EDITORIAL STAFF: Charles S. Aaronson, Jack Banner, Al Finestone, Sherwin A. Kane, Joseph Priore.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office. Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

HOLLYWOOD: Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. WASHINGTON: Albee Building, Bertram F. Linz, representative. CHICAGO: 624 S. Michigan Ave., C. B. O'Neill, manager. AMSTERDAM: 87 Waalstraat; Philip de Schaap, representative. BERLIN: Steulerstrasse 2, Berlin W. 35; Joachim K. Rutenberg, representative. BUDAPEST: Szamos-Utca 7, Budapest I; Endre Hevesi, representative. BUENOS AIRES: Avallaneda 3949; N. Bruski, representative. COPENHAGEN: Rosengaarden 14; Kris Winther, representative. HELSINKI: Fredriksgatan 19C; Charlotte Laszio, representative. LONDON: 4 Golden Square, W. 1: cable address. Quigpubco, London; Hope Williams, manager. MELBOURNE: Regent Theatre Buildings, 191 Collins St.; Cliff Holt, representative. MEXICO CITY: Apartado 269, James Lockhart, representative. MONTEVIDEO: P. O. Box 664; Paul Bodo, representative. MOSCOW: Petrovski Per 8; Beatrice Stern, representative. PARIS: 21, Rue de Berri; Pierre Autre, representative. PRAGUE: Uhelny trh 2, Prague 1; Harry Knopf, representative. RIO DE JANEIRO: Caixa Postal 3558; L. S. Marinho, representative. ROME: 54 Via Della Mercede; Joseph D. Ravotto, representative. SANTIAGO de CHILE: Casilla 13300; A. Weissmann, representative. SHANGHAI: Rooms 38-41 Capital Theatre Building, 142 Museum Road; J. P. Koehler, representative. STOCKHOLM: Kungsgatan 36; Ragnar Allberg, representative. TOKYO: 880 Sasazuka, Ichikawa-shi, Chiba-Ken; H. Tominaga, representative.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and foreign $12. Single copies 10 cents.

570 pages of new hit-show history are written here!

The SISTERS
MYRON BRINIG
FARRAR & RINEHART
The SISTERS
A Novel by MYRON BRINIG

First, a best-seller record-setter. Now, as great a love drama as the screen has yet offered . . . That's the way WARNER BROS. filmed it!

T*hink what it will mean when you* Tell the Biggest Ready Reader-Audience Since 'Adverse' and 'Robin Hood' that

WARNERS tell them *first* with the broadest magazine advertising drive of this year! Follow it up—no attraction ever was worth more!

ERROL

Flynn

and

BETTE

Davis

Are Together

In That Story Sensation Indelibly Implanted In The Memory Of The World

"The SISTERS"

with ANITA LOUISE · IAN HUNTER · DONALD CRISP
BEULAH BONDI · JANE BRYAN · ALAN HALE · DICK FORAN
HENRY TRAVERS · PATRIC KNOWLES

An ANATOLE LITVAK PRODUCTION

From the Novel by MYRON BRINIG · Screen Play by Milton Krims · Music by Max Steiner

"Drums" Sets Frisco Pace With $12,000

SAN FRANCISCO, Oct. 5.—"Drums" set the pace with $12,000 for the opening week at the United Artists. This was $5,000 over par, and the film was set for a run.

"To Hot to Handle" pulled $14,500 at the Warfield and "I Am the Law," with "Freshman Year," drew $7,400 in the third week at the Orpheum.

Estimated takings for the week ending Sept. 27-28-29-30:

"Affairs of Annabel" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days. Stage: vaudeville. Gross: $13,500. (Average, $16,000)

"Drums" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c-75c) 7 days. Gross: $12,000. (Average, $7,000)

"Three Loves Has Nancy" (M-G-M)
"Secrets of An Actress" (W. B.)
PARAMOUNT—(2,740) (15c-35c-40c-55c-75c) 7 days, 2nd week. Gross: $10,500. (Average, $13,000)

"Valley of the Giants" (W. B.)
"Meet the Girls" (20th-Fox)
FOX—(5,000) (15c-35c-40c-55c-75c) 7 days. Gross: $15,000. (Average, $17,000)

"I Am the Law" (Col.)
"Freshman Year" (Univ.)
ORPHEUM—(2,440) (15c-35c-40c-55c) 7 days, 3rd week. Gross: $7,400. (Average, $8,500)

"Four Daughters" (W. B.)
"The Higgins Family" (Republic)
ST. FRANCIS—(1,400) (15c-35c-40c-55c-75c) 7 days, 2nd week (moved over from Fox). Gross: $6,700. (Average, $7,000)

"Too Hot to Handle" (M-G-M)
WARFIELD—(2,680) (15c-35c-40c-55c-75c) 7 days. Gross: $14,500. (Average, $13,000)

"Life and Loves of Beethoven" (World)
CLAY—(400) (15c-35c-40c) 7 days. Gross: $900. (Average, $1,300)

Wisconsin Musicians Want Film Music Cut

MILWAUKEE, Oct. 5.—The Wisconsin Musicians' Association at its semi-annual convention here voted approval of the national campaign to restore orchestras in theatres by eliminating incidental music from films and adopted a new form of standard contract which exempts orchestra leaders from obligations of employers, except conductors of name bands, who engage their musicians on an annual basis.

All officers of the group, which met at the headquarters of the Milwaukee Musicians' Association, were re-elected as follows: Volmer Dahlstrand, Milwaukee, president; Walter Smith, Oshkosh, vice-president; E. J. Sartell, Janesville, secretary, and A. F. Vandenberg, Green Bay, treasurer.

Speakers included Senator F. Ryan Duffy, Fond du Lac, who attacked the fee practices of Ascap; F. W. Birnbach, Newark, N. J., international secretary, and William Hooper, New York, investigator for the AFM in the midwest.

Ohio Cuts 21 in Sept.

CINCINNATI, Oct. 5.—The Ohio division of film censorship reviewed a total of 506 reels from which 21 eliminations were ordered during September. This compares with 546 reels and 55 eliminations in August. During September, 1937, there were 687 reels with 37 eliminations.

Out Hollywood Way

HOLLYWOOD, Oct. 5. — Monogram will star JOHN CARROLL, contract player, in two pictures, "Under Northern Lights," adaptation of the JACK LONDON story, and "Star Reporter," by AL BLOCK . . . RONALD COLMAN may get the lead role in Warners' "Dodge City."

Warners has renewed interest in the story, "Concentration Camp," announced some time ago, and has VINCENT SHERMAN working on the script . . . 20th Century-Fox's "Jones Family" series will have a new character—a "grandchild" born to the cinema husband-wife players, RUSSELL GLEASON and SHIRLEY DEAN, for story purposes . . . JOE McDONOUGH, veteran assistant director, gets his first chance at direction with Universal's "Sky Police," to be produced by BURT KELLY.

ROSEMARY LANE will play opposite JAMES CAGNEY in "Oklahoma Kid" at Warners. HUMPHREY BOGART will be the "heavy" . . . M-G-M has purchased "The Love Machine," original story by NARD JONES . . . GEORGE BRENT will play opposite BETTE DAVIS in Warners' "Dark Victory," based on the stage play.

Warners are rushing cutting of "Dawn Patrol" to have it ready for release Armistice Day . . . WALTER LANTZ has signed BERT GILLET to direct a unit of cartoons . . . MELVYN DOUGLAS and VIRGINIA BRUCE, both borrowed from M-G-M, will co-star in Columbia's "There's That Woman Again" . . . JEAN ARTHUR and CARY GRANT will be teamed by the same studio in "Our Wife."

FRANK MORGAN has been set for the role of the Wizard in "Wizard of Oz," at M-G-M. . . . MAUREEN O'SULLIVAN will have the leading feminine role in M-G-M's "Spring Dance," which S. SYLVAN SIMON will direct . . . LLOYD NOLAN will appear opposite GLADYS SWARTHOUT in Paramount's "Ambush" . . . LEIGH JASON will direct "Born to Fly," RKO's picturization of DOUGLAS CORRIGAN'S life, instead of ROWLAND BROWN, as originally announced . . . P. J. WOLFSON'S first producer assignment at RKO will be "The Pure in Mind," which he will also direct.

DAVID O. SELZNICK says he, GEORGE CUKOR and SIDNEY HOWARD will leave Oct. 15 for a secret destination to spend six weeks putting the final touches on the "Gone With The Wind" script.

+

Casting—SIDNEY BLACKMER in "Trade Winds," Wanger . . . JOHN QUALEN in "Stand Up and Fight," and ERIK RHODES in "Dramatic School," both M-G-M . . . CHARLES BICKFORD in "Union Pacific," ANTHONY QUINN in "King of Chinatown," both Paramount . . . BRODERICK CRAWFORD has returned to Hollywood from the stage play "Of Mice and Men" to play in Paramount's "Ambush."

+

Contracts—M-G-M has given new contracts to LYNNE CARVER, actress; DONALD OGDEN STEWART, STANLEY RAUH, SAM MOORE, WALTER REISCH and ELAINE RYAN, writers, and MARGARET BOOTH, film editor.

+

TITLES—"Murder Plane," first of Warners' Secret Service stories, has been re-titled "Secret Service in the Air" . . . The second of the NANCY DREW pictures will be called "Nancy Drew Steps Out."

Hollywood Preview

"Vacation from Love"

(M-G-M)

HOLLYWOOD, Oct. 5.—Romance, given farce comedy treatment, is the entertainment substance of "Vacation From Love." Dennis O'Keefe and Florence Rice create an interesting pair of characters in the lead roles. Reginald Owen's oral and action antics are the source of many laughs. As a romantic rival for the bride's affections, Truman Bradley makes a good sparring partner for O'Keefe. June Knight, Edward S. Brophy, Tom Rutherfurd, Andrew Tomes, Herman Bing, George Zucco and Paul Porcasi contribute bits which enliven the proceedings.

The original screenplay by Patterson McNutt and Harlan Ware is an hilarious mixture of glib dialogue, amusing situations and characterizations. George Fitzmaurice's direction keeps things moving at a speedy pace with his handling of the anticlimatic sequence, a divorce that failed episode, rating high as an exploitation feature.

Busting up her wedding to Rutherfurd, because he objects to the bridegroom's qualifications as a husband, O'Keefe eventually marries Miss Rice, much to Owen's anger and chagrin. Their married life motto is "love, honor, obey and have fun." All goes nicely until the bride begins to suspect that O'Keefe, rather than paying attention to business, is doing a little philandering. As women do, she convinces herself that her fears are real. O'Keefe, chucking up business and marriage, embarks for Europe and some weeks later meets Miss Rice in Paris. She wants a divorce and charges everything in the book. O'Keefe determines to give her reason for all her accusations. But in so doing the pair fall in love again. A French divorce court is turned into bedlam as the pair determine to love honor and obey all over again with periodic vacations from each other annually in which to have fun.

Light, frothy and breezy, "Vacation From Love" is constructed to amuse those in a mood for having fun.

Running time, 65 minutes. "G."

G. McC.

"Antoinette" Philadelphia Hit, $18,000

PHILADELPHIA, Oct. 5.—"Marie Antoinette" pulled a strong $18,000 at the Boyd and was held a second w[illegible] The second week of "Boys Town" continued to be big at the Aldine with a $12,500.

Estimated takings for the week ending Sept. 30:

"Boys Town" (M-G-M)
ALDINE—(1,300) (40c-55c-65c-75c) 7 days, 2nd week. Gross: $12,500. (Average, $8,160)

"Algiers" (U.A.) (2nd run)
ARCADIA — (600) (25c-40c-55c) 7 days, 2nd week. Gross: $2,200. (Average, $2,800)

"Marie Antoinette" (M-G-M)
BOYD — (2,400) (40c-55c-65c) 7 days. Gross: $18,000. (Average, $14,000)

"Secrets of an Actress" (F.N.)
EARLE — (2,000) (25c-40c-55c) 6 days. Stage: Buddy Rogers, Mary Brian. Gross: $17,000. (Average, $14,000)

"Straight, Place and Show" (20th-Fox)
FOX — (3,000) (40c-55c-65c-75c) 7 days. Stage, 6 days; American Ice Carnival. Gross: $15,000. (Average, $14,000)

"Four Daughters" (W.B.)
KARLTON—(1,000) (25c-40c-55c) 7 days. Gross: $4,500. (Average, $4,000)

"My Lucky Star" (20th-Fox) (3rd run)
KEITH'S—(2,000) (25c-40c-55c) 7 days. Gross: $2,400. (Average, $4,000)

"Sing You Sinners" (Para.)
STANLEY—(3,700) (40c-55c-65c) 7 days. Gross: $13,000. (Average, $14,000)

"Tenth Avenue Kid" (Republic)
STANTON—(1,700) (25c-40c-55c) 7 days. Gross: $3,500. (Average, $7,000)

"Sailor" and Heidt $18,800 Omaha Wow

OMAHA, Oct. 5.—"Give Me a Sailor," with Horace Heidt and his band on the stage, pulled a smash $18,800 in seven days at the Orpheum to beat the weekly average by $11,600.

"Four Daughters" and "I'm From the City" suffered from the competition in a second week at the Brandeis, grossing $4,600 in seven days. "Boys Town" broke even in its third week at the Omaha, grossing $32,300 during the three weeks, exactly double average for the period.

Estimated takings for the week ending Sept. 27-28-29:

"Boys Town" (M-G-M)
OMAHA—(2,200) (25c-40c) 7 days, 3rd week. Gross: $5,800. (Average, $5,500)

"Four Daughters" (F.N.)
"I'm From the City" (RKO)
BRANDEIS—(1,200) (25c-35c-40c) 7 days, 2nd week. Gross: $4,600. (Average, $4,000)

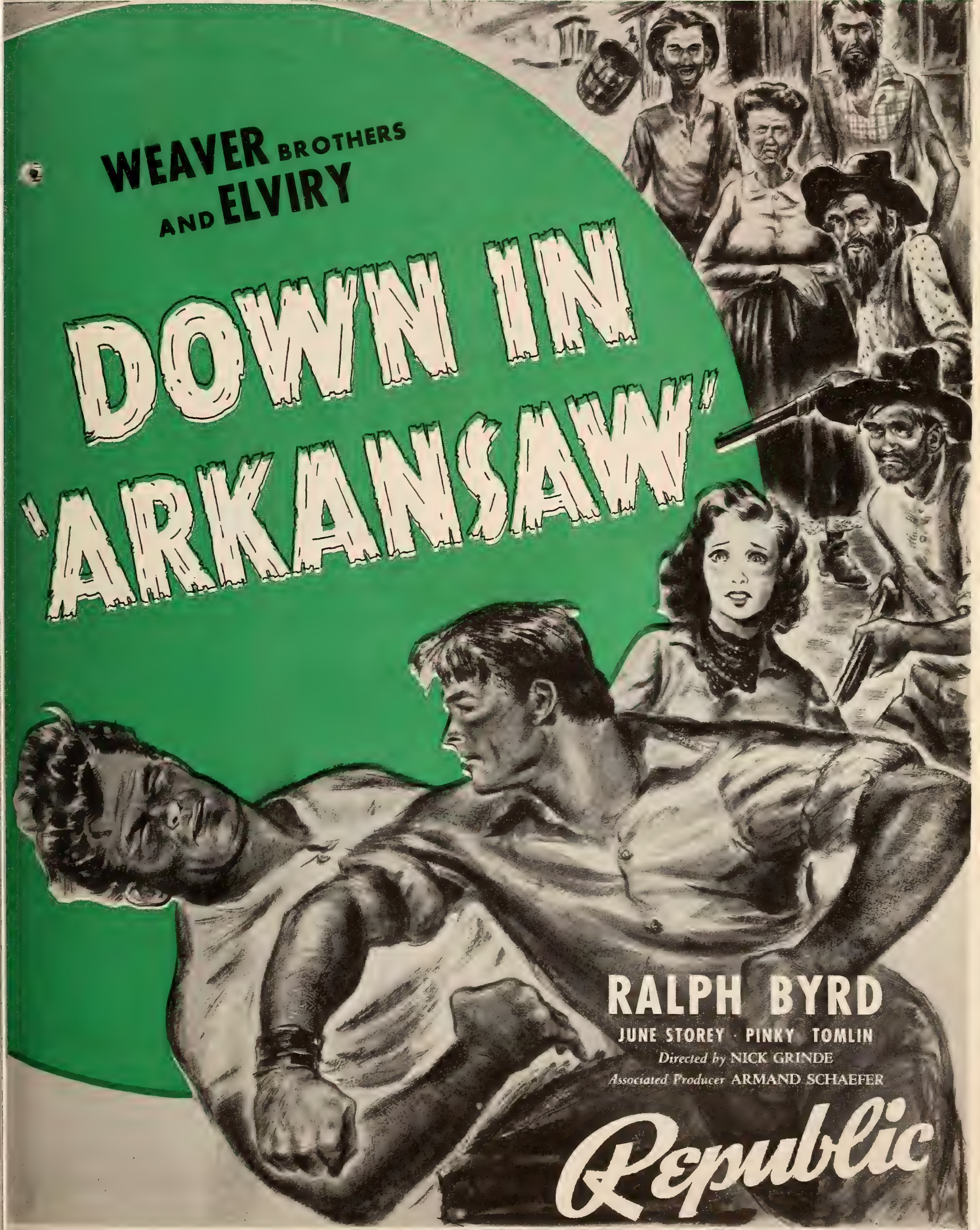
"Give Me a Sailor" (Para.)
ORPHEUM—(3,000) (25c-35c-55c) 7 days. Stage: Horace Heidt and his Brigadiers. Gross: $18,800. (Average, $7,200)

War Scare Idea

Detroit, Oct. 5.—While war news was generally wrecking film receipts, David Idzal, manager of the Fox here, found a way to tie up with the news with profit. He put on a revival showing of the 20th Century-Fox hit, "Cavalcade."

The picture, tracing the history of Britain in European affairs, took hold in a large way, aided by a well arranged advance plugging, and is showing a neat profit at the Fox.

MOANIN' MOUNTAIN MUSIC—EARTHY HUMOR!



WEAVER BROTHERS AND ELVIRY

"DOWN IN 'ARKANSAW"

RALPH BYRD

JUNE STOREY · PINKY TOMLIN

Directed by NICK GRINDE

Associated Producer ARMAND SCHAEFER

Republic

THESE EXHIBITORS

RECORDS BROKEN!

Plan now for extra playing time! It's duplicating everywhere that smash 3-week Radio City Music Hall record!

★ LOS ANGELES

Broke all-time Saturday and Sunday records for day-and-date in RKO-Hillstreet and Pantages! Naturally, HELD OVER!

★ SPRINGFIELD, ILL.

All existing box-office and attendance records Senate Theatre smashed! Assured EXTENDED RUN!

★ SEATTLE

Looks like big 10 to 15 weeks at the crowd-jammed Liberty Theatre!

★ PITTSBURGH

Business terrific! EXTENDED RUN sure at the Harris Alvin Theatre!

★ BRIDGEPORT

Smash grosses at Palace mean EXTENDED RUN, of course!

★ HOUSTON

Business at Majestic Theatre better even than "Horizon", "Deeds", "It Happened One Night" or "The Awful Truth"!

★ CLEVELAND

Hippodrome joins the HOLDOVER ranks with phenomenal business!

★ WASHINGTON

Day-and-date at Earle and Ambassador tremendous! BIG HOLDOVER!

★ OMAHA

Far above "Lost Horizon" at the Brandeis . . . another HOLDOVER!

★ BUFFALO

Audience reaction at Lafayette unparalleled in history this city! HOLDOVER!

WILL TELL YOU!...

HOLDOVERS EVERYWHERE!

Whether your town's big or small, you can count on real HOLDOVER business, and audiences going wild over it!

★ CINCINNATI

Beating "Horizon" business all hollow! A HOLDOVER at the Shubert...!

★ NEW HAVEN

Palace Theatre business socko! Sure EXTENDED RUN!

★ MEMPHIS

HELD OVER at the Malco! Box-office receipts zooming for new records!

★ ERIE

HOLDOVER at Colonial Theatre following big grosses, enthusiasm!

★ BALTIMORE

Sensational box-office success at the Hippodrome means HOLDOVER!

★ HITTING BOX-OFFICE HIGHS:

★ ALBANY — Palace; ★ UTICA — Olympic; ★ MIAMI — Lincoln; ★ NASHVILLE — Vendome; ★ PORTLAND, Me.— Strand; ★ NIAGARA FALLS—Cataract; ★ ROCHESTER— Rochester; ★ SYRACUSE—State; ★ HUNTINGTON—Palace; ★ AKRON — Palace; ★ CANTON — Palace; ★ TOLEDO — Rivoli; ★ YOUNGSTOWN — Palace; ★ FT. WAYNE— Emboyd; ★ TERRE HAUTE—Orpheum; ★ LITTLE ROCK— Pulaski; ★ KANSAS CITY, Mo. — Midland; ★ LA CROSSE, Wis.—Rivoli; ★ MERIDEN—Palace; ★ STAMFORD—Palace; ★ JOHNSTOWN — Embassy; ★ CLARKSBURG — Robinson Grand; ★ NEW CASTLE — Regent; ★ BOISE — Rialto; ★ ROANOKE—Grandin; ★ PT. JERVIS—Strand; ★ MORRISTOWN, N. J.— Community; ★ ASBURY PARK—Mayfair; ★ PERTH AMBOY—Majestic; ★ KINGSTON—Broadway; ★ NEWBURGH — Broadway; ★ POUGHKEEPSIE — Juliet and Bardavon; ★ MIDDLETOWN, N. Y. — Paramount; ★ ST. GEORGE, S. I.—St. George.

COLUMBIA PICTURES

Frank Capra's

YOU CAN'T TAKE IT WITH YOU

JEAN ARTHUR · LIONEL BARRYMORE · JAMES STEWART · EDWARD ARNOLD

MISCHA AUER · ANN MILLER · Spring Byington · Samuel S. Hinds · Donald Meek · H. B. Warner · Based on the Pulitzer Prize Play by George S. Kaufman and Moss Hart

Screen play by Robert Riskin · Directed by FRANK CAPRA

Admission Tax For Year Tops $20,800,000

(Continued from page 1)

or reduced rate admissions, from $560,444.74 to $575,954.55; on leases of boxes or seats, from $51,393.20 to $55,196.82; on admissions at more than the established price, from $35,514.01 to $42,954.10, and on tickets sold by brokers, from $170,047.82 to $186,618.84. Receipts from admissions to roof gardens and cabarets, however, dropped from $1,555,352.82 to $1,516,748.09.

Tax collections on box-office admissions, by states, as compared with the fiscal year 1937, showed some surprising changes, as in the cases of Delaware, where they jumped from $5,246.56 to $42,975.30; New Hampshire, where the increase was from $29,778.96 to $59,209.24; Rhode Island, which showed an increase from $71,146.83 to $137,316.19, and Utah, where a jump from $23,554 to $41,322.04 was shown.

More than one-third of the box-office admission revenues, of course, were collected in New York, where $6,933,909.25 was contributed as compared with $6,884,565.10 in 1937; California being second with a $500,000 jump from $1,548,935.21 to $2,042,397.22, and Illinois third, with $1,629,549.12 against $1,399,274.90 the preceding year. The only other state to top $1,000,000 was Massachusetts, where the take dropped to $1,058,915.55 from $1,102,043.72 in 1937.

All told, 25 of the states and territories showed increased returns of box-office admission taxes, while 26 showed decreases.

Box-office admissions by states, as compared with 1937, were as follows:

	1938	1937
Alabama	$52,918	$57,054
Alaska	21,764	19,657
Arizona	20,780	19,458
Arkansas	44,922	36,228
Cal.	2,042,397	1,548,935
Col.	113,007	99,541
Conn.	187,174	180,432
Delaware	42,975	5,246
Dist. of Col.	260,103	272,787
Florida	258,768	254,487
Georgia	71,486	77,236
Hawaii	59,351	54,968
Idaho	15,817	17,105
Illinois	1,629,549	1,399,274
Indiana	294,370	301,733
Iowa	66,618	69,268
Kansas	49,844	39,181
Kentucky	59,497	62,969
Louisiana	98,983	92,467
Maine	32,651	33,590
Maryland	303,894	296,496
Mass.	1,058,915	1,102,043
Michigan	612,927	547,504
Minnesota	185,465	145,581
Miss.	7,822	10,854
Missouri	345,145	357,003
Montana	18,206	20,618
Nebraska	48,173	61,696
Nevada	8,312	10,406
N. Hampshire	59,209	29,778
New Jersey	492,558	462,576
New Mexico	13,741	13,826
New York	6,933,909	6,884,565
No. Carolina	69,466	77,829
No. Dakota	3,056	2,502
Ohio	546,944	444,177
Okla.	88,160	82,780
Oregon	90,180	70,594
Penn.	900,874	959,044
Rhode Island	137,316	71,146
So. Carolina	26,097	31,409
So. Dakota	8,560	9,095
Tennessee	87,816	75,225
Texas	481,289	491,167
Utah	41,322	23,554
Vermont	6,806	7,987
Virginia	115,402	112,024
Washington	153,196	157,723
W. Virginia	22,823	20,663
Wisconsin	130,986	134,904
Wyoming	10,741	11,029

Tablet Honors Edison and History Gets Another Jolt

(Continued from page 1)

to the satisfaction of almost everybody that Mr. Armat is responsible for the projector on which exhibition was founded.

However, someone at the campaign committee headquarters decided that "there may be some question as to who actually invented the Vitascope." And since the tablet dedication was one of the stunts for the industry's promotion drive, and because there is more showmanship in the name Edison, whom everybody knows, than there is in Armat, and newspaper clippings seem vital at the moment, the sponsoring committee resolved to let it go at that. And that's how Mr. Armat became the forgotten man.

History records that earliest responsibility for beclouding Mr. Armat's recognition can be traced to Raff & Gammon, who were the exclusive agents for the Edison Kinetoscope, a peepshow projector, and controlled the supply of Edison films. A sales brochure issued by the agents some 40 years ago credits Mr. Armat, referred to as "a rising young inventor," with having developed a device on which Mr Edison's later improvements were made. The adoption of the name "Edison Vitascope" was at the urgent insistence of Raff & Gammon. In 1915, when the Motion Picture Patents Co. was ordered dissolved, the "rising young inventor" had shared in the proceeds to the extent of $350,000.

In comment on an article by C. M. Withington in the *Journal of the Society of Motion Picture Engineers,* Mr. Armat wrote Mr. Ramsaye early this year as follows:

"It would have been decidedly incorrect to have said that the Vitascope resulted from Mr. Edison's own laboratory experiments. But it is not at all surprising that Mr. Withington thought so, if he got his ideas, as he doubtless did, from the Edison papers and records of the patent war era, as there was a great deal of propaganda during that period . . . intended to minimize everything everyone except Edison had done. This, of course, was for commercial reasons, and was quite in accord with big business ethics of the day, but I have no idea that Mr. Edison himself had anything to do with it. In fact, I believe he knew very little about it."

Mr. Armat then quoted from a personal letter Mr. Edison had written him in 1922, in which he said:

"You will probably have noticed that in interviews given by me I have stated that I had a projecting machine, but that when you came on the scene I saw that you had a very much better one than mine, and that I dropped my experiments and built yours."

An interesting sidelight of the era is that Percy L. Waters, who later was to become a power in the Motion Picture Patents Co., General Film and Triangle Film, was employed by Raff & Gammon in the 90's and, he says, helped man the Vitascope projector which gave the motion picture commercial life at Koster & Bial's on that April night in 1896.

G.N. to Open Three New Exchanges Soon

(Continued from page 1)

Cleveland branch manager, succeeding Peter Rosian, who has been made New York branch manager.

Prints on the company's first four releases are in the exchanges and three additional pictures have been completed, Mr. Alperson reported. The organization will be functioning nationally immediately following the second sales meeting which will open at the St. Moritz here Saturday and continuing through Sunday. Saul Berkowitz, vice-president of Fine Arts Pictures, arrived with Mr. Alperson to attend the meeting and Earle W. Hammons, president, and Jack Skirball, vice-president, also will attend.

Mr. Hammons plans to sail for London on the *Normandie* next Wednesday to close a deal there for the company's British representation.

Seek Clubs' Cooperation

ALBANY, Oct. 5.—The publicity committee for Motion Pictures' Greatest Year is contacting every luncheon club, civic organization and service outfit. Members of the clubs will be urged to enter the contest in a group, prizes, if any, to be donated to a worthy project sponsored by that particular organization. Several clubs, sounded out tentatively, have agreed to function as a unit.

Promised assistance in the line of trolley car and bus placards was forthcoming this week, with air publicity scheduled to be renewed in a series of brief talks on the purposes of the drive.

Pinanski Reelected By Allied of Mass.

(Continued from page 1)

Mullin and Edward A. Cuddy of M. & P., B. E. Hoffman and Max Mellincoff of Warners, J. J. Ford of Maine & New Hampshire Theatres, Al Somerby of G. E. Lothrop Theatres Co., James H. Doyle of the Broadway, South Boston, John S. Giles of George A. Giles Theatres Co. and Walter Brown of the Boston Garden Corp.

The advisory committee includes Abner Eilenberg, Frank C. Lydon, Philip Bloomberg, Nathan Goldstein and George A. Ramsdell.

Eighth Drive Short Goes Out Next Week

The eighth of a series of trailers on Motion Pictures' Greatest Year and the "Movie Quiz" prize contest is to be shipped to exchanges next week, campaign headquarters reported yesterday.

The new trailer is now in production at National Screen Service and features Lew Lehr. It will be seasonable in presenting a football angle, according to the producers.

Suderov Forms Company

Max Suderov has formed the Kamco Amusement Corp. to operate the Kameo, Bronx, and the Jackson Amusement Corp. to operate the Jackson, also in the Bronx. The Rosyl Amusement Corp., Louis Morinberg, president, and Jack Field, secretary, is the new owner of the Cameo, Jersey City.

Actors' Guild Agrees To Control Members

(Continued from page 1)

pals of the cast through his tardiness, it will be up to the guild to investigate, and if it is the player's fault, the guild must pay overtime to the cast, excluding extras. The guild then, through machinery yet to be set up, will discipline the member.

This clause was embodied in the new contract which sets a 48-h[illegible] week for players, and which provi[illegible] for a scale of overtime pay from time and a half to double time, if work on any one day exceeds eight hours.

The standing committee set up in the pact to arbitrate grievances will be in charge of investigation of the situations which arise through a player's lateness, according to Ken Thomson, secretary of the guild. The money which the studio ordinarily would have paid to members of the cast will be turned over by the producer to the guild, to be held until a decision is made.

London Injunction Sought on "Drums"

LONDON, Oct. 5.—Sam Smith of Anglo Canadian Distributors today applied for an injunction to restrain London Films from exhibiting and distributing "Drums" in Canada. The action was postponed for hearing Oct. 14. In the meantime London Films will not supply prints to United Artists.

Mr. Smith alleges Anglo Canadian had an arrangement with London Films whereby it was granted exclusive license to handle its films in Canada for seven years. London had passed "Drums" over to U. A., and it was advertised to be shown the week of Sept. 26. Charles Russell, attorney for London, pleaded that U. A. had no authority to distribute in Canada.

Heads G. B. Exchange

CLEVELAND, Oct. 5. — George H. Rosenbaum has come here from Buffalo to become branch manager of the G. B. exchange.

Wall Street

Fractional Gains Dominate Board

	Open	High	Low	Close	Net Change
Col.	14¾	14⅞	14¾	14⅞	+ ⅜
Cons.	1⅝	1⅝	1⅝	1⅝	.....
Cons. pfd.	8⅛	8¼	8	8¼	+ ¼
E. K.	178½	180¾	178½	180	+1½
E. K. pfd.	166	166½	166	166	.....
G. T. E.	15½	15⅝	15½	15⅝	+ ⅜
Loew	52⅜	53⅛	52⅛	53	+1⅛
Para.	11⅛	11⅞	11⅛	11¾	+ ¾
Para. 1	92⅛	92⅛	92	92	+3
Para. 2	11	11¾	11	11¾	+ ⅝
Pathe	9⅜	9⅞	9⅜	9¾	+ ⅜
RKO	2½	2⅝	2⅜	2⅝	+ ¼
20th Fox	26⅞	27⅛	26¾	27	+ ¼
20th pfd.	35½	35½	35½	35½	— ½
W. B.	6⅝	6⅞	6⅝	6⅞	+ ¼

Technicolor Curb Rise Continues

	Open	High	Low	Close	Net Change
G. N.	7/16	7/16	7/16	7/16	.....
Monogram	2	2	2	2	.....
Sonotone	1½	1½	1½	1½	+ ⅛
Tech.	22⅜	23¼	22⅜	23⅛	+1⅛
Trans-Lux	1⅞	1⅞	1¾	1¾	— ⅛
Univ. Corp.	3¼	3½	3¼	3½	+ ¼
Univ. Pitc.	44	44	44	44	+1

Bond Issues Close Uneven

	High	Low	Close	Net Change
Keith 6s '46	91	91	91	.....
Loew 3½s '46	102	101⅜	101⅜	— ⅞
Para. Pict. 6s '55	93⅞	93⅞	93⅞	+1⅞
Para. Pict. '47	80	79½	80	+2
W. B. 6s '39	80	79½	79½	— ½

(Quotations at close of Oct. 5)

F.C.C. Orders New Hearings By Examiners

WASHINGTON, Oct. 5.—The Federal Communications Commission has ordered examiners' hearings on a number of broadcasting applications, including requests for construction permits for new stations, as follows:

John F. Nolan, Steubenville, O., to operate on 1,310 kilocycles with 100 watts, day only; Lawrence J. Heller, Washington, to operate on 1,310 kilocycles with 100 watts night, 250 watts day; M. & M. Broadcasting Co., Marinette, Wis., 570 kilocycles, 250 watts, day only; William H. Bates, Jr., Modesto, Cal., 740 kilocycles, 250 watts, day only; Winfield A. Schuster, Worcester, 1,200 kilocycles, 100 watts; Thomas B. McTammany, Modesto, Cal., 740 kilocycles, 250 watts, day only; Kingston Broadcasting Corp., Kingston, N. Y., 1,500 kilocycles, 100 watts, day only; Richland, Inc., Mansfield, O., 1,370 kilocycles, 250 watts, day only, and Edwin A. Kraft, Fairbanks, Alaska, 610 kilocycles, 1,000 watts.

Other applications to be heard include those of KGVO, Missoula, Mont., for increase of night power from 1,000 to 5,000 watts; KGNO, Dodge City, Kan., for increase of power from 250 to 500 watts; WEDC, Chicago, for increase in day power from 100 to 250 watts, and WPG, Atlantic City, for move of station to New York, and increase in time of operation from specified hours to unlimited.

The commission has received reports from examiners recommending the granting of applications of the *Asheville Daily News* for a 1,370-kilocycle, 100-watt station at Asheville, N. C., and WMFD, Wilmington, for increase of hours from day to unlimited and increase of night power from 100 to 250 watts. An examiner's report also was received recommending dismissal with prejudice of the application of WHEF, Kosciusko, Miss., for renewal of license.

Karol Goes to St. Louis

John J. Karol, director of market research for CBS, will leave tonight for St. Louis where he is scheduled to deliver two addresses. The first will be tomorrow before the St. Louis Chapter of Kiwanis on "How Many Listen and How Do We Know?" The second will be on Friday at the dinner of the Association of Manufacturers' Representatives on "Measuring the Radio Audience."

Add 3 "Ranger" Stations

"The Lone Ranger," Mutual series, will be heard over three additional stations of the network starting Oct. 31 under the sponsorship of Weco Products Co., makers of Dr. West Toothpaste. The stations are WAAB, Boston; WEAN, Providence, and WKBW, Buffalo.

Pryor on Mutual Wire

Roger Pryor, who opens a limited engagement at the Roosevelt Grill tonight, will have a wire over Mutual Mondays and Thursdays from 11:30 to 12 midnight.

Williams Renews on WEAF for 13 Weeks

The J. B. Williams Co., sponsoring Bob Howard Thursdays on WEAF, has renewed the program for 13 weeks, beginning Oct. 20.

MacFadden Publishing Co. will return "Betty and Bob" on NBC for one year starting Nov. 11, and regularly thereafter on Tuesdays from 9 to 9:30 P. M. The program in behalf of *True Story Magazine*, will offer dramatizations of stories appearing in that magazine. Bernarr MacFadden, publisher, will appear in the first broadcast. The Arthur Kudner agency handles the account.

Europe Crisis Stirs Short Wave Set Sale

The vast interest in short-wave reception engendered by the European crisis is being reflected by rapidly increasing sale of sets with short-wave equipment, according to Bond Geddes, vice-president of the Radio Manufacturers' Association.

Mr. Geddes estimates that there are approximately 14,000,000 receiving sets now in American homes with short-wave attachments capable of receiving European programs, and he estimates that about 2,500,000 more such sets will be purchased annually from now on.

Sign Two Sports Writers

PITTSBURGH, Oct. 5. — The Duquesne Brewing Co. has just signed two local sports writers, Chester Smith of the *Press* and Al Abrams of the *Post-Gazette*, for football radio shows throughout the gridiron season. Smith will be on WJAS three times weekly for 15 minutes while Abrams is to do one half-hour program, assisted by Howard Baum's orchestra and Joe Tucker every Friday night on WWSW.

WOR Gets New Musical

A new musical program on WOR will begin Oct. 12, and Wednesdays thereafter from 8 to 8:30 P. M. under the sponsorship of V. La Rosa & Sons. Bruna Castagana will be the vocalist on the first four broadcasts, to be followed by Armand Tokatyan and Carlo Morelli. Alfredo Antonini will conduct the orchestra.

Evans Joins WBZ-WBZA

BOSTON, Oct. 5.—Bob Evans, son of the former American League umpire, has been added to the staff of WBZ-WBZA. Mr. Evans has handled sports and special events for three years at WGAR. Previous to that, he was a sports columnist on a Cleveland paper for two years.

Gross in a New Series

Walter Gross, CBS composer-pianist, will be featured as conductor and soloist in a new series titled "Accent on Music," with Nan Wynn co-featured. This series begins Oct. 9 and will be offered Sundays from 5 to 5:30 P. M. Al Rinker will produce the series.

Thornley Joins Wasey

George H. Thornley has become associated with the Erwin, Wasey agency with headquarters in New York City, according to L. R. Wasey, president of the company.

"Colossal Modesty"

Hollywood, Oct. 5.—"Presented to NBC and Don E. Gilman for colossal modesty in premiering NBC's Hollywood Radio City without Hollywood fanfare, Kleig lights, pretty girls and vice-president's speeches," reads the plaque presented here yesterday to NBC Vice-President Gilman by the Scotch Treat Clan of the Authors' Club. The presentation is the outcome of a decision recently announced by the network to open the new radio studios quietly and without fuss.

Set Talk by Devey Over CBS-N.Y. Web

New York State Republican Women, Inc., will sponsor a talk by New York State Republican Gubernatorial candidate Thomas E. Dewey over eight New York state stations of the CBS network tomorrow from 2:30 to 2:45 P. M. The stations are WABC, New York; WOKO, Albany; WIBX, Utica; WESG, Elmira; WHEC, Rochester; WFBL, Syracuse; WNBF, Binghamton, and WGR-WKBW, Buffalo.

Doelger Signs Ellington

Peter Doelger Brewing Co., whose local program on WJZ starts today, has signed Jean Ellington as the featured vocalist, and the Beal Street Boys, a quartet. Two-minute sketches, consisting of dramatizations of suggestions submitted by listeners, also will be presented as a regular feature of the series. The Ray McCarthy agency handles the account.

Two Programs to KSFO

SAN FRANCISCO, Oct .5.—"I Want a Divorce" and "Night Editor," Pacific Coast network programs, will switch to KSFO and the Pacific Coast CBS web Oct. 16. The former show, sponsored by Sussman & Wormser Fine Foods, Inc., is an original drama series. Cardinet Candy Co. sponsors "Night Editor," which features original stories.

WCCO Extends Schedule

MINNEAPOLIS, Oct. 5. — WCCO has added three hours weekly to its broadcasting schedule. The station formerly signed off at midnight. It will continue to do so on Sundays, but will remain on the air Mondays through Fridays until 12:30 A. M., Saturdays until 1 A. M.

Miss O'Connell Shifts

Patricia O'Connell, formerly with the Joseph Katz agency, and recently with the New York office of Blackett-Sample-Hummert, has joined the Compton agency as a radio copywriter.

Fisher Given Two Aides

Sterling Fisher, CBS director of Talks and Education, will have as his assistant on talks Helen Sioussat, and as assistant on education, Leon Levine, according to an announcement at CBS yesterday.

Around the Country

Hollywood

"Night Editor," Hal Burdick's one-man program of a newspaper office which has been on NBC's coast net since September, 1933, will switch to KNX and the CBS Pacific chain for 52 weeks, starting Oct. 16. . . . Other KNX-CBS business: North American Accident Insurance Co., of Newark, will sponsor for 13 weeks Knox Manning's news broadcasts on KNX.

KNX and the coast network will take "I Want a Divorce," sponsored by S. & W. Fine Foods, for 52 weeks, starting Oct. 16. This is another switch from the NBC coast net. Emil Brisacher and staff of San Francisco negotiated the deal . . . "Conversation," the new title for Columbia's "The Art of Conversation," a no-script discussion show, has started again on the coast network as a sustaining program. . . . Another sustaining program, "White Fires," with a more elaborate production setup, will return to the air Oct. 12. Hector Chevigny is writing the dramatizations of famous lives, until Jon Slott returns from a vacation.

+

Chicago

Virginia Payne, back from a trip to Cincinnati, adds a new role to her list, that of "Nettie" in Kitty Keene, Inc. . . . Anne Seymour, after a serious tussle with an infected eye, is again up and around attending to her acting duties at NBC . . . Fritz Blocki, local showman, who also does considerable radio work, is producing "Captain Midnight," a CBS show sponsored by Skelly Oil Co.

WBBM "scooped" other stations with the football broadcasts it made in transcription form at the various Big Ten schools. Hal Burnett was in charge . . . Richard Gardner is in charge of the John Blair Co.'s station promotion activities.

+

Oklahoma City

Ben Bezoff, news editor of WKY, will serve as president of Zeta Sigma, national legal fraternity at the Oklahoma City law school. . . . Karl Koerper, vice-president of KMBC, Kansas City, was a guest speaker before the Tulsa Advertising Federation. . . . Lawrence Peay, KTOK engineer was married to Marion Mosier of Oklahoma City. . . . KTOK is mailing out an elaborate brochure to all advertising agencies in the country detailing the efforts of the station in merchandising and promotion of the baseball broadcast.

+

San Francisco

The CBS sales promotion manager on the coast, Bob Reichenbach, is here from KNX for six weeks to build several presentation campaigns for local salesmen . . . Bob Ackerly, formerly of KOMO-KJR, Seattle, has joined KPO's announcing staff. . . . Van Fleming, NBC writer, has resigned to continue writing the "I Want a Divorce" skit . . . Bennie Walker, coast cooking authority, has returned his "Tillamook Kitchen" to KPO five days a week.

"The GANG" IS HERE!

A REALLY DIFFERENT MUSICAL COMEDY

SPARKLING - SWIFT-PACED - SONG-STUDDED

WITH THE IRREPRESSIBLE GANG-LEADERS

RALPH READER
GINA MALO

THERE WAS METHOD TO THEIR MADNESS
AND MADNESS IN THEIR METHODS!

A HERBERT WILCOX
PRODUCTION

SIX SMASHING SONG SUCCESSES

"WITH A TWINKLE IN YOUR EYE" • "THAT SONG IN MY HEART"
"ON THE CREST OF A WAVE" • "MEXICO"
"CHILDREN OF THE NEW REGIME" • "BIRDS OF A FEATHER"

"THE GANG" *Directed by* ALFRED GOULDING

Introducing the screen's
newest sensation

DYLWYN THOMAS

the boy soprano, singing
"MOTHER MACHREE"
"DANNY BOY"

DISTRIBUTED BY RECORD PICTURES CORP.

1501 BROADWAY • FRED. MC CONNELL, *PRESIDENT* • NEW YORK, N.Y.

FILE COPY
DO NOT REMOV

Alert. Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

V[illegible] 44. NO. 69 NEW YORK, FRIDAY, OCTOBER 7, 1938 TEN CENTS

U. S. May Pass Foreign Films UnderNewLaw

Propaganda Act Requires Agents to Register

WASHINGTON, Oct. 6.—Foreign films may come within the scrutiny of the State Department under the terms of the new propaganda law by which agents of any foreign unit will be required to register. The 30-day period allowed for registration of agents expired tonight and the department is preparing for administration of the act. Its terms are so broad that practically every American representative of any foreign concern will have to obtain specific information as to whether he is required to register.

It was explained informally at the department that if someone in this country, acting as agent for a foreign producer, is bringing in foreign films and circulating them in the United States, he must register unless he can show that the pictures are purely educational, scientific or religious in char-

(*Continued on page* 6)

Hicks Takes Over Duties of Graham

By AUBREY FLANAGAN

LONDON, Oct. 6.—John W. Hicks, Jr.. vice-president of Paramount in charge of foreign activities, now here, has assumed immediate charge of the affairs of Paramount and its associated companies in England, following the resignation of John Cecil Graham, for many years managing director of Paramount in Great Britain.

Mr. Hicks has given no indication of when he will name a successor to Mr. Graham, and it is not known whether he will do so at a press conference he has scheduled for tomorrow. The fact that he has assumed Mr. Graham's duties has led to the belief that he may not name a successor for some time.

Warners Plan 20-22 Films in England

A total of 20 or 22 films will be made by Warners at its Teddington studios in England during 1938-'39, according to Jack L. Warner, vice-president in charge of production, who sailed yesterday on the *Queen Mary*.

This is a considerable increase over the 1937-'38 schedule of 15 pictures, made at a cost of $2,000,000. The cur-

(*Continued on page* 3)

Allied's Points

A solution for the problem of "undue theatre expansion" is unique among the subjects held by Allied States Association to be essential to the formulation of an industry plan of self-regulation. Allied's program, listing this and eight other trade practice problems, was set forth by Abram F. Myers, chairman of the board, before the I.T.O. of Ohio last Dec. 7.

Mr. Myers has received assurances, he said yesterday, that the distributors' negotiating committee of which Sidney R. Kent is chairman, stands authorized to treat with Allied's representatives Oct. 19 on all nine points. As outlined by him at the Ohio convention they were: (1) compulsory block booking; (2) unreasonable protection; (3) undue theatre expansion; (4) the "right to buy"; (5) contract revision; (6) designated playdates; (7) unfair allocations; (8) non-delivery of pictures, and (9) radio competition.

Monogram's Sales Gain 43% in Year

Monogram has closed new season product deals with 4,000 theatres to date, representing an average increase of 43½ per cent over last year's sales record at the corresponding time, W. Ray Johnston, president, who is now in Hollywood, revealed yesterday in a report to the home office.

The completed deals include 896 new accounts on the company's books. On the basis of the report the company is expected to reach the $6,345,000 sales quota which was set by Mr. Johnston and company sales executives last spring.

As a result of the showing to date, Mr. Johnston advised the home office,

(*Continued on page* 6)

First from G. N. to Be Released Oct. 14

Grand National will release its first production on Oct. 14. The release schedule of the company which will be announced tentatively to the company's sales convention here over the week-end, calls for a feature picture each week thereafter.

The initial film is titled "Shadows Over Shanghai."

ALLIED TO JOIN IN TRADE TALKS IF BOARD APPROVES

Will Insist, However, on Negotiations Separate from MPTOA and Covering Points Raised at Ohio Meet

The board of directors of Allied States Association will meet in New York Oct. 17 to consider and act on the plan for self-regulation of trade practices which has been proposed by the major distributors' negotiating committee, of which Sidney R. Kent is chairman, and if the board approves, will then designate a committee to carry on separate negotiations with the distributors' group. Allied insists that its negotiations be conducted "separate and apart from those with any other group."

This procedure was decided upon yesterday by Abram F. Myers, chairman of the allied board, and Nathan Yamins, president, following conferences with William F. Rodgers, acting chairman of the distributors' committee.

Meanwhile, Mr. Rodgers designated Oct. 19 as the date on which the distributors' committee will begin separate negotiating meetings with the M.P.T.O.A. and Allied committees on the specific provisions of a trade practice program. Mr. Rodgers also wired invitations to the heads of the eight regional exhibitor organizations throughout the country which are not affiliated with either national exhibitor organization to appoint committees to meet with the distributors' group on any date commencing Oct. 19 to discuss their views of what

(*Continued on page* 3)

Rodgers Asks 8 Regionals To Negotiate

Eight regional exhibitor organizations which are not affiliated with either of the national organizations, M. P. T. O. A. and Allied States, were invited by William F. Rodgers yesterday to send representatives to New York on or after Oct. 19 to negotiate with the distributors' committee of which he is acting chairman on the forthcoming plan for self-regulation of trade practices.

The invitations were addressed to Albert A. Galston of I. T. O. of Southern California; S. J. Hyman of West Virginia Managers Association; Fred J. Dolle, M. P. T. O. of Kentucky; A. P. Archer, Theatre Owners and Managers of the Rocky Mountain Region; Leo F. Wolcott, Allied Theatre Owners, Inc., Iowa; Harry Brandt, I. T. O. A., New York; Guy E. Matthews, Allied Theatres of Oregon, and William F. Crockett, M. P. T. O. of Virginia.

Following is Mr. Rodgers' communication to the regional exhibitor officials:

"Sidney R. Kent, chairman, through the Committee on Trade Practices, extends to your organization a cordial invitation to confer with our committee here for the purpose of attempting to create a method whereby trade differences and disputes can be adjudi-

(*Continued on page* 3)

Building Planned Atop the Center

Plans by Rockefeller Center, Inc., to erect an office building partly atop the Center Theatre at 49th St. and Sixth Ave., disclosed yesterday, set at rest rumors which have been recurring for about four years that the theatre will be razed.

The structure, as planned, will be equal in height to the 31-story RKO building, but architecturally similar to the neighboring Time and Life Bldg. When it is completed, in May, 1940, the Rockefellers will have completed its midtown building development, which will comprise 14 units.

Construction of the skyscraper will start next fall. It will be on the site of Sixth Ave. property, between 48th and 49th Sts., purchased by the Rocke-

(*Continued on page* 6)

"Keep Smiling"

London, Oct. 6.—In "Keep Smiling," 20th Century-Fox British comedy starring Gracie Fields, shown here today, the star romps in semi-sentimental fashion through a story of a concert troupe saved from disaster by the collaboration of a classical piano virtuoso.

The production is characterized by the zealous work of Miss Fields, singing comedy, torch and religious songs, essaying the roughest slapstick and even registering tearful moments. Its appeal is limited to British fans of Miss Fields. Monty Banks directed.

Flanagan

Macgowan Testifies At Guild Hearing

Hollywood, Oct. 6.—Testimony by Kenneth Macgowan today ended the hearings on the Screen Directors' Guild petition to be made the collective bargaining agency of directors and their assistants.

Mr. Macgowan was the last witness to testify for producer rebuttal. N.L.R.B. Trial Examiner William Ringer adjourned the hearing until next Wednesday when closing arguments will be heard from producers' counsel and the guild. Mr. Macgowan's testimony was to the effect that he knew only one instance of an assistant director taking charge of shooting and that was when the director was stricken on the set.

Pasternack Coming East

Hollywood, Oct. 6.—Joseph Pasternack, Universal producer, left for New York today on a two-week vacation.

Estabrook Quits Goldwyn

Hollywood, Oct. 6.—Howard Estabrook today severed his connection with Samuel Goldwyn after serving eight months of a one-year writing contract.

Westchester Ball Set

The annual Theatrical and Movie Ball will be resumed after a five-year lapse at the Westchester County Center at White Plains on Nov. 19.

The "OVERLAND FLYER" to LOS ANGELES

Deluxe United Mainliner Sleeper

★ Latest Sleeper departure—11:45 p.m. Arrive Hollywood early afternoon. Luxurious, quiet, fewest stops. Or take United's famed "Continental" Sleeper. Lv. 6:15 p.m., ar. 9:35 a.m. **Reservations:** 58 W. 42nd St., MU 2-7300. Or travel bureaus, hotels.

UNITED AIR LINES

The Main Line Airway

Insiders' Outlook

THAT the discussion of industry problems about to take place may be started without any reservations whatsoever became increasingly apparent yesterday after Abram F. Myers, Allied general counsel, had issued a statement covering his conference with William F. Rodgers, M-G-M sales manager, who is acting as spokesman for the distributors' negotiating committee.

Allied will refuse to join conferences already arranged between the distributors and the M.P.T.O.A. and will insist upon a discussion of all the issues outlined by Mr. Myers last December before the Ohio Independent Theatre Owners' Association. These issues include all the well known M.P.T.O.A. ten points plus its objections to circuit expansion and a number of other industry practices, all of which are covered in the Department of Justice bill of complaint in the anti-trust suit.

▼

Independent exhibitor organizations can also insist upon separate dates for conferences, if they wish, under the terms of an invitation telegraphed yesterday by Mr. Rodgers to eight of these organizations.

It is obvious that distributors have decided to forget the objections of counsel to joint action in the hope that an industry-wide agreement can be reached which will be acceptable to the Department of Justice.

Allied has long contended that the industry is endowed with a public interest. The backbone of its legislative attack is this theory.

▼

Yesterday in an informal conversation Mr. Myers advanced a suggestion that it might be possible to dramatize the situation and clear up the entire problem of trade practices by placing them before some distinguished person not intimately associated with the industry who could act as an arbiter. His theory is that this would inspire the confidence of all exhibitors as well as the public at large.

◀ Purely Personal ▶

Ed Kuykendall, M. P. T. O. A. president, will leave for his Columbus, Miss., home tomorrow and will go from there to Oklahoma City to complete arrangements for the M. P. T. O. A. convention. He expects to be back in New York Oct. 16.

•

Fredric March will not return to the Broadway stage in November, but instead will take a vacation in Bermuda with his family, following a short stay in New York.

•

William F. Rodgers, Loew's general sales manager, left last night for New Orleans to be gone a week or 10 days.

•

Wesley Ruggles, the director, has rented an apartment in the Savoy-Plaza.

•

Stuart Erwin has taken a lease on an apartment in the Hotel Ambassador.

•

Frank Capra is in town, and is staying at the Towers of the Waldorf-Astoria.

LILA DAMITA yesterday canceled her scheduled sailing on the *Queen Mary* the second time she has changed her mind about going to Europe in as many weeks. James Whale, the director, did sail.

•

Edward Lomba, 20th Century-Fox assistant foreign sales manager, has postponed his scheduled survey of Latin America territories.

•

George Bannan, formerly with National Screen and Prudential Playhouses, is now managing a theatre for Fanchon & Marco in Van Wert, Ill.

•

Hal Hode, Columbia executive, will speak on the film industry over WQXR at 10 P. M. next Monday.

•

Irving Berlin is scheduled to arrive today from Europe on the *Ile de France*.

•

Joe Vogel, Loew's executive, is due today from Baltimore.

Taplinger Flying Here

Hollywood, Oct. 6.—Bob Taplinger, Warner studio publicity head, will leave for the east tomorrow by United Airlines. He will be in New York for two weeks of conferences at the home office.

Douglas Story to Para.

Paramount yesterday closed a deal with Lloyd C. Douglas for the film rights to his latest novel, "Disputed Passage." The story appeared in the *Cosmopotitan Magazine.*

Lenauer Film Booked

"Pearls of the Crown," distributed in this country by Lenauer International Films, has been booked by the entire Metropolitan Loew circuit and has played in more than 100 houses in Greater New York, as well as in many other key situations. The company will release also "Drole de Drame," "The Puritan," "Queen of Spades," "Moscow Nights," "The Lie of Nina Petrovna" and "They Were Five." All are French films.

Paramount Contest Winners Are Named

Winners in Paramount's $5,000 advertising and exploitation contest in connection with the international sales drive, "Paramount on Parade," were disclosed yesterday by Neil F. Agnew, vice-preisdent in charge of distribution. The winners follow:

Class A, cities over 250,000: first $500, Charles B. Taylor, Shea's B[illegible]falo, Buffalo; second, $250, Jo[illegible] Hardgrove, Loew's Broad, Columbus; third, $150, Ray Bell, Loew's Capitol, Washington; fourth, $100. John H. Echols, Denham, Denver.

Class B, cities of 100,000 to 250,000: first, S. P. Dean, Rialto, Tacoma; second, Roscoe Drissel, Loew's State, Norfolk; third, Allen Sparrow, Loew's Richmond, Richmond.

Class C, cities of 15,000 to 100,000: first, Jerry Greenebaum, Rialto, Clinton, Ia.; second, Bob Fulton, Paramount, Waterloo, Ia.; third, "Doc" Elliott, Ohio, Lima, O.; fourth, Frank W. Miller, Metropolitan, Morgantown, W. Va.

Class D, cities less than 15,000: first, Harold Armistead, Lyric, Easley, S. C.; second, Carter H. English, Majestic, Centerville, Ia.; third, J. R. McKinlay, New Grand, International Falls, Minn.; fourth, L. A. Maher, Roxy, Medicine Hat, Alberta.

Two special prizes for neighborhood and subsequent houses went to Samuel A. Coolick, Loew's Triboro, Long Island City, first, and R. J. Stumbo, Hollywood, Salem, Ore., second.

First prize in the foreign field, $500, went to J. Castro Ramos, Cine Plaza, Rio de Janeiro, and second to L. Durban-Long, Capitol Cinema, Bolton, Lancaster, England. The foreign judges were John W. Hicks, Jr., George Weltner, his assistant, and Albert Deane, director of foreign advertising and publicity.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; J. M. JERAULD, Managing Editor; JAMES A. CRON, Advertising Manager. EDITORIAL STAFF: Charles S. Aaronson, Jack Banner, Al Finestone, Sherwin A. Kane, Joseph Priore.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: Circle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office. Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

HOLLYWOOD: Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. WASHINGTON: Albee Building, Bertram F. Linz, representative. CHICAGO: 624 S. Michigan Ave., C. B. O'Neill, manager. AMSTERDAM: 87 Waalstraat; Philip de Schaap, representative. BERLIN: Steulerstrasse 2, Berlin W. 35; Joachim K. Rutenberg, representative. BUDAPEST: Szamos-Utca 7, Budapest I; Endre Hevesi, representative. BUENOS AIRES: Avallaneda 3949; N. Bruski, representative. COPENHAGEN: Rosengaarden 14: Kris Winther, representative. HELSINKI: Fredriksgatan 19C; Charlotte Laszio, representative. LONDON: 4 Golden Square, W. 1: cable address. Quigpubco, London; Hope Williams, manager. MELBOURNE: Regent Theatre Buildings, 191 Collins St.; Cliff Holt, representative. MEXICO CITY: Apartado 269, James Lockhart, representative. MONTEVIDEO: P. O. Box 664; Paul Bodo, representative. MOSCOW: Petrovski Per 8; Beatrice Stern, representative. PARIS: 21, Rue de Berri; Pierre Autre, representative. PRAGUE: Uhelny trh 2, Prague 1; Harry Knopf, representative. RIO DE JANEIRO: Caixa Postal 3558; L. S. Marinho, representative. ROME: 54 Via Della Mercede; Joseph D. Ravotto, representative. SANTIAGO de CHILE: Casilla 13300; A. Weissmann, representative. SHANGHAI: Rooms 38-41 Capital Theatre Building, 142 Museum Road; J. P. Koehler, representative. STOCKHOLM: Kungsgatan 36; Ragnar Allberg, representative. TOKYO: 880 Sasazuka, Ichikawa-shi, Chiba-Ken; H. Tominaga, representative.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and foreign $12. Single copies 10 cents.

Allied Moves To Join Trade Practice Talk

(Continued from page 1)

hould be contained in a trade practice gram.

Mr. Myers' statement, issued following the meeting with Mr. Rodgers, disclosed that Allied has been given assurances that the distributors' committee will not limit the trade practice discussions to the M.P.T.O.A.'s 10-point problem but will permit them to become "as broad as the problems involved in the sale and distribution of film." The discussions, Mr. Myers said, will cover the proposals for trade reform and adjustments outlined by him before the I.T.O. of Ohio last December.

Mr. Myers' Statement

Mr. Myers' statement follows: "In pursuance of arrangements made several days ago Nathan Yamins and I have had a comprehensive interview with Mr. Rodgers with reference to prospective industry conferences to discuss trade practices.

"We were assured by Mr. Rodgers that the distributors' committee stands authorized and prepared to treat with a committee of Allied in respect of the numerous proposals which Allied States Association has advanced from time to time including all of those summarized in the address which I made before the Independent Theatre Owners of Ohio last year.

"Indeed we were assured that the scope of the discussions would be as broad as the problems involved in the sale and distribution of film and would not be limited to the program of any particular exhibitor group. Mr. Yamins and I have deemed it necessary to make this explanation to overcome the possible bad effects of premature publicity calculated to create the impression that the movement grew out of the activities of any particular group or was initiated as ballyhoo for a particular national convention.

"Following the resolution adopted at the Allied convention in Pittsburgh last May, a call will be issued for our board of directors to meet in New York on Oct. 17 to consider and act on the plan which Mr. Rodgers outlined to us today. If the board approves, a committee will be named to carry on the negotiations.

Touches Justice Dept. Proposals

"In order to avoid the difficulties heretofore encountered when Allied has attempted such negotiations in company with the representatives of affiliated theatres it is proposed that our negotiations be conducted separate and apart from those with any other group.

"Pending action by the Allied board, Mr. Yamins and I can go no farther than to repeat what we have said many times: that Allied has always been willing to explore any conciliation movements looking to the improvement of industry conditions and to join in the same if there is a possibility that they may be productive of good. The only condition to this is that, in the nature of the case, we can not now agree to any proposals that would not be acceptable to the Department of Justice."

Warners 'Independence' Is Unique in Field of Shorts

By J. M. JERAULD

Warners have produced another in the series of two-reel historical Technicolor shorts. This is called "The Declaration of Independence." Major Albert Warner and Norman H. Moray have become so enthusiastic about it not only as a piece of entertainment, but also as a public service in dramatizing this country's history that they invited the press to a luncheon and screening yesterday.

Mr. Moray delivered an informal talk, pointing out that there was less flag-waving than in the previous numbers, "Give Me Liberty," which won an Academy Award, and "The Man Without a Country," which won the Exhibitor Award.

"We sincerely believe this series is an important one, particularly so in these troublous times when the nation is faced with 'isms' of all kinds, and in my humble opinion, these shorts should be played in every theatre in the country, first because of their entertainment value, and secondly because of the good they must do in creating the proper patriotic reaction."

It was something more than a sales talk; he put considerable emotion into his remarks.

The picture lives up to everything he said about it. Even if it dealt with the history of Somaliland, or some other place in which American citizens have only a vague interest, it would still be good entertainment.

Some slight liberty has been taken with history insofar as Rodney's ride is concerned, but the 99 per cent of audiences who can't remember more than the three first paragraphs of the Declaration of Independence will enjoy an exciting story with plenty of emotional conflict as well as indoor and outdoor action presented by an excellent cast. The direction is by Crane Wilbur and the cast includes John Litel, Rosella Towne, Ted Osborne, Owen King, Gordon Hart, Lionel Belmore and Ferris Taylor. The running time is 18 minutes.

"Drums" $88,000 in Week at Music Hall

"Drums" garnered $88,000 at the Music Hall in the week ending last night and is going a second week. Good press notices and a strong campaign centered around the visit of Sabu, star of the film, helped.

"Too Hot to Handle" gave the Capitol a strong $51,000, according to M-G-M, and may run three weeks. The Roxy grossed $46,000 with "Straight, Place and Show" and is holding the film a second week, to be followed Oct. 14 by "Suez."

The second week of "Room Service" gave the Rivoli $23,200 and is scheduled to be followed by "Youth Takes a Fling" Oct. 15.

London Sees 'Pygmalion'

London, Oct. 6.—"Pygmalion" opened here tonight at the Leicester Square before a society audience. "Carefree" will open at the New Gallery shortly and "You Can't Take It With You" will open soon at the Gaumont Haymarket.

Gable Casting Denied

London, Oct. 6.—Sam Eckman, M-G-M head in England, today denied reports that Clark Gable would have a prominent role in "The Devil's Disciple," which will be produced early next year by Gabriel Pascal.

Sound Heads in Meet

Hollywood, Oct. 6.—Heads of major studio sound departments met today in a monthly dinner meeting at the 20th Century-Fox studio under the auspices of the Academy Research Council.

Goodman Quits Standard

Oklahoma City, Oct. 6.—David Goodman, manager of the Standard Midwest, has resigned and returned to Altoona, Pa., his home town. E. A. Patchen, advertising and publicity director for Standard, has been placed in charge of the Midwest.

Loew's in Partner Deal on Criterion

Loew's yesterday took over the Criterion in an equal partnership arrangement with B. S. Moss, who has operated the house since its construction about two years ago. The circuit has leased the property for 20 years with an option for another 21 years.

Loew's will have complete charge of the operation, and it was said that the present first run policy will continue. The Criterion has had to content itself with secondary product, and lately has been running Republic and Paramount "sluff" pictures. It is probable that Loew's will play some of its product first run at the Criterion which has been run at the Rialto. The Capitol, however, remains the circuit's ace house on Broadway.

Mr. Moss built the theatre in association with Harry Charnas, formerly with Warners. Mr. Charnas withdrew from the operation about a year ago. The Criterion has 2,000 seats.

With the latest acquisition, Loew's has seven houses on Broadway. In addition to the Capitol, in which Major Edward Bowes and others are associated, there are the State, Mayfair, Rio, 83rd St. and 175th St.

Open Film in Emporia

Kansas City, Oct. 6.—"The Arkansas Traveler," which is dedicated to William Allen White, will be given its midwest premiere in the Fox Granada at Emporia, Kan.

Babb Filmack Ad Head

Chicago, Oct. 6.—Kroger Babb, publicity and advertising director for Chakeres-Warner theatres in Ohio for four years, has joined Filmack Trailer Co. here as advertising director.

Sudan Unit Is En Route

London, Oct. 6.—Zoltan Korda and a production unit on "Four Feathers" left here today, bound for the Sudan. The unit was delayed recently by the European crisis.

Rodgers Asks 8 Regionals To Negotiate

(Continued from page 1)

cated from within the confines of our industry and for the further purpose of endeavoring to establish a better and more thorough understanding between buyer and seller through the establishment of recognized trade practices. We need and require your support and will gladly confer with such committee as you may appoint on any day that you select commencing Oct. 19, on which date our conferences will commence with the committees representing both M. P. T. O. A. and Allied Theatres. We urge your attendance and will appreciate your early acknowledgment, informing us of the names of the committee authorized to represent you at these conferences."

Warners Plan 20-22 Films in England

(Continued from page 1)

rent production schedule in Hollywood calls for 52 features, Mr. Warner said.

Accompanied by Mrs. Warner, he will arrive in London next Tuesday, in time to attend the "preview" opening of the new Warner Theatre in Leicester Square, the company's first foreign house. Representing the home office at the opening will be Sam E. Morris, foreign chief, and Herman Maier, in charge of construction.

Albert Warner, Jules Brulatour and Hope Hampton saw the Warners off. In a gangplank interview by Martin Starr over WMCA, the production chief commented on the possibility that Bette Davis may play Scarlett O'Hara in David O. Selznick's "Gone With the Wind." He said if the fans evidence sufficient interest she will be permitted to play the part.

Mr. Warner said that the company has received good response to its "homespun, simple stories" and will continue production of such films.

Cowdin Leaves for English Financing

Additional British financing for Universal will be arranged by J. Cheever Cowdin, Universal's chairman of the board, who sailed for London yesterday on the *Queen Mary*. He said he expects to return in about three weeks.

Last summer Mr. Cowdin arranged for financing totaling about $1,500,000, it is understood, through the C. M. Woolf interests. The exact amount, however, has not been disclosed.

It is understood Mr. Cowdin will discuss or consummate several matters that have been hanging fire in London since his last trip. He is accompanied by a sister, Mrs. Charles Morgan.

ITOA Meets Oct. 19

Harry Brandt, president of the I.T.O.A., has called a meeting of the organization for Oct. 19 at the Astor. A report on product buying is scheduled.

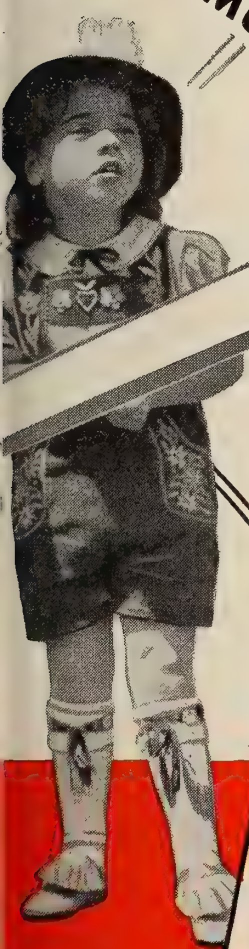
A PICTURE FOR EVERYBODY . . .

THEY SING!
THEY DANCE!
THEY TALK!
FBC
Copyright 1938
NEA SERVICE, Inc.

The Quins have never been like *this* before . . . each a definite personality . . . trouping like veterans! A high-speed, big-city story that whirls in and out of New York's Broadway . . . a-brim with exciting action and the romantic rivalry of two newspaper and radio reporters . . . loaded with entertainment for every age, every type of audience! An attraction with more solid, universal appeal than any you've played in years!

ND THE WOMEN ARE PLUS!

MAKE MUSIC!



The Dionne Quintuplets

Yvonne Cecile Marie Annette Emelie

in their third and best feature picture

'FIVE OF A KIND'

with

JEAN HERSHOLT
CLAIRE TREVOR
CESAR ROMERO
SLIM SUMMERVILLE · HENRY WILCOXON · INEZ COURTNEY
JOHN QUALEN · JANE DARWELL · PAULINE MOORE

Executive Producer Sol M. Wurtzel

Directed by Herbert I. Leeds. Original screen play by Lou Breslow and John Patrick. Song: "All Mixed Up" by Sidney Clare and Samuel Pokrass. Scenes of Dionne Quintuplets photographed under the technical supervision of Dr. Allan R. Dafoe.

Released
OCTOBER 14th
IT'S A DATE!

20th ENTURY OX
E KEYSTONE
OUR FUTURE

U. S. May Pass Foreign Films UnderNewLaw

(Continued from page 1)

acter. In the case of educational films it is expected each case will have to be decided upon its merits because of the possibility that, while denominated as educational, a picture may be replete with propaganda.

While failure to register will be prosecuted by the Department of Justice, action will be taken only against those who wilfully ignore the requirements and will not be asked in the case of those who fail to register out of ignorance that the law applies to them. It is believed that as information regarding the act becomes available, many who have not registered will do so.

The new law requires registration of all agents of foreign principals whether they are aliens or citizens, and is so broad as to cover many who are not engaged in "propaganda" in the sense in which the term is generally used.

Policy Changed at Oklahoma Theatres

Oklahoma City, Oct. 6.—The Circle and Plaza, Standard circuit neighborhood houses, have changed their policy from three changes a week to two a week, according to B. F. Moore, Standard Theatres general manager here.

Mr. Moore said that the change was made in an effort to show better pictures at neighborhood houses and to give patrons an opportunity to see good pictures which they miss sometimes because of the short playing time with three changes a week.

Wall Street

Board Rises Generally

	Open	High	Low	Close	Net Change
Col.	15	15⅛	15	15	+ ⅛
Cons.	1⅝	1⅝	1⅝	1⅝	.....
Cons. pfd.	8½	8¾	8¼	8¾	+ ½
E. K.	180	180	179	179½	— ½
E. K. pfd.	168	168	166	166	.....
G. T. E.	15¾	15¾	15½	15¾	+ ⅛
Loew	53⅛	54¼	52¾	53¼	+ ¼
Loew, pfd.	107½	107½	107½	107½	+1⅛
Para.	11⅞	12¼	12¾	12	+ ¼
Para. 1	92⅞	95	92½	95	+3
Para. 2	11⅞	12	11¾	11⅞	+ ⅛
Pathe	9⅞	10	9½	10	+ ¼
RKO	2⅝	2⅝	2½	2½	— ⅛
20th Fox	27⅛	27¼	26⅝	26¾	— ¼
20th pfd.	35⅝	35⅝	35⅝	35⅝	+ ⅛
Univ. pfd.	42½	42½	42½	42½	+2½
W. B.	6⅞	7⅛	6¾	7	+ ⅛
W. B. pfd.	36½	36½	35	35½	.....

Little Curb Activity

	Open	High	Low	Close	Net Change
G. N.	½	½	⅜	⅜	—1/16
Monogram	1⅞	2	1⅞	2	.....
Sonotone	1½	1½	1½	1½	.....
Tech.	23½	23½	23	23	— ⅛
Trans-Lux	2⅛	2⅛	2⅛	2⅛	+ ⅛

Bond Issues Change Lightly

	High	Low	Close	Net Change
Keith 6s '46	92	92	92	+1
Loew 3½s '46	101⅜	101⅜	101⅜	.....
Para. Pict. 6s '55	94½	94½	94½	+ ⅝
Para. Pict. '47	81	81	81	+1
RKO 6s '41	68	67	67	—1
W. B. 6s '39	81½	80½	81	— ½

(Quotations at close of Oct. 6)

The Newsreel Parade

Benes' resignation as Czechoslovak president, New York's police show in Madison Square Garden and the opening World Series game at Chicago are the highlights of the news in the mid-week issue of the various newsreels. The reels and their contents follow:

MOVIETONE NEWS—Motion picture industry celebrates 42nd birthday, Will Hays speaks. Coulee Dam on the Columbia River. Sled-pulling dogs in training. Graduation of rookie cops at Madison Square Garden. Behind scenes of "Jesse James." Ballet season opens at New York. Long Island horse show. Lew Lehr at back-beauty contest. Yankees beat Cubs in series opener.

NEWS OF THE DAY—Japanese push drive on Hangkow. Benes quits Czech presidency. Success story of Charles Allen Ward. Police show. Sleigh dogs prepared for winter. Fireboat set afloat. Rodeo in California. Yanks top Cubs in first game of series.

PARAMOUNT NEWS—Historic film record of peace conference in Germany. Chicago golfer plays 144 holes daily for four days. Chinese junk arrives at California. Mary Pickford rushes to injured husband. Highlights of opening series game.

RKO PATHE NEWS—Sumner Welles, Under-Secretary of State, proposes permanent solution of international ills. Sheridan Downey's scheme to aid the aged gains momentum in California. World's largest and most powerful fireboat tested. Cable spinning begins for New York's Whitestone bridge. Preview of the 1939 automobile show. World series opening game.

UNIVERSAL NEWSREEL—Benes resigns. New Graf Zeppelin in Germany. Trans-Pacific Chinese junk at Los Angeles. China war news. New York police show. New fireboat launched. Back-beauty contest in California. New Hampshire sled-pulling dogs prepare for coming season. Rollerskate derby in Chicago. World series game. Future football stars practice.

Monogram's Sales Gain 43% in Year

(Continued from page 1)

production budgets will be increased on a group of pictures going before the cameras in the near future. "Gangster's Boy," with Jackie Cooper, will be the first production to benefit, with the new Boris Karloff pictures following. Resultant negative costs on these and other productions will be the highest in the company's history, Mr. Johnston said. Appropriations for the company's Tex Ritter and Jack Randall westerns also will be raised.

Among the circuit deals which have been closed by the company recently are those with Feiber & Shea, H. F. Kincey, Jay Emanuel, E. M. Loew, Si Fabian, Warners, Interstate, Mo Wax, William Smalley, George Wilby and others.

California Pension Plan Is Hit by U. S.

Washington, Oct. 6.—The Federal Government has turned thumbs down on the California plan to pay "$30 every Thursday" to unemployed citizens, which is to be voted on Nov. 8, by holding that the state warrants which it proposed to issue for pension payment will not be acceptable as legal tender by any bank under Federal supervision, it was learned today.

The Government's attitude, expressed through the Treasury Department, is being made known in response to a large number of inquiries from California exhibitors and other business men as to where they would stand should the proposal be adopted. Determination that the warrants would not be legal tender is based on laws giving the Federal Government the sole right to issue money. It is generally felt in administration circles that the scheme is unconstitutional, and its legal aspects are currently the subject of study.

Form Non-Aryan Firm

Albany, Oct. 6.—Non-Aryan Pictures Corp. has been chartered here. The directors are Elliot Westin, Benjamin Radin and James Ross, all of New York City. The papers were filed by the Roosevelt Theatre, 111-117 East Houston St.

Chicago Hearing Is Postponed One Week

Chicago, Oct. 6.—The first hearing on the independent exhibitors' anti-trust action against B. & K. and major distributors, which was scheduled to be held in Federal court here today, was postponed for one week.

Joseph Rosenberg, counsel for the plaintiffs, was in Washington this week conferring with officials of the Department of Justice on the local action. Whether or not the conferences brought about the new delay in the start of hearings could not be learned.

Industry in Canada Contributes $53,000

Toronto, Oct. 6.—The Canadian National Committee of the motion picture drive has disclosed that approximately $53,000 has been contributed from Canadian sources to date. Half of this sum has been received from circuits and individual houses, the remainder from the Canadian film distributors.

Long-threatened action on the part of exhibitors presenting features other than Hollywood productions for a separate competition for prizes has taken form in the organizing of a "British Empire Quiz Contest" which is patterned along the lines of the "Movie Quiz" of Motion Pictures' Greatest Year.

Booklet Demand High

Kansas City, Oct. 6.—Of the 750,000 "Movie Quiz" contest booklets received at Warners here, all but 75,000 have been distributed to exhibitors. A few independents have reordered, but Fox Midwest leads in reorders. Most exhibitors requested a large supply at the start.

RKO Sued in Taunton

Taunton Mass., Oct. 6.—A plagiarism suit for $200,000 was filed yesterday in Superior Court here against RKO by William J. O'Rourke of Fall River. He charged that the company's film, "Condemned Women" was taken from his story, "Girl's Reformatory," which he claims to have submitted to RKO in 1937.

Building Planned Atop the Center

(Continued from page 1)

fellers from William Fox about five years ago. Part of the building will be over the lobby of the Center Theatre.

While stating emphatically that theatre property will not be ra[illegible] Rockefeller Center officials yeste[illegible]y were unwilling to predict the future of the house, which has been a problem since it went up six years ago. Recently it has housed grand opera. Originally it was a film house.

Construction of the office building over the theatre will complete building plans for the 49th St. block between Sixth Ave. and Rockefeller Plaza. Extending from the Center Theatre to the Plaza there will be a 15-story building, the six lower stories of which will be a commercial parking garage with space for 800 cars. The first four stories will cover the entire plot and the other 11 will form a central tower. Excavation on this project started yesterday.

Loew's Examination To Continue Monday

Examination of Loew officials in the minority stockholder suit will continue next Monday with testimony to be obtained from Isidor Frey, Loew attorney and a director. Other New York directors of the company are to be examined.

Additional testimony by J. Robert Rubin, vice-president and general counsel, required three hours yesterday afternoon in the office of Emil K. Ellis, counsel for the plaintiffs in the consolidated action to abrogate executives' contracts. Mr. Rubin's examination was started Tuesday.

Hana W. Goldstein and Louis Susman, complaining stockholders in an action on the same grounds brought in the Chancery Court, Wilmington, are two of the stockholder plaintiffs in the consolidated action pending in the local courts. Mr. Ellis has no connection with the Wilmington suit.

Basson to Ask Dismissal

Joseph D. Basson, as president of Local 306 of the New York operators' union, will make application today to the N. Y. Supreme Court for an order dismissing a suit brought against the union by two operators, James J. Little and Milton Olshin, seeking $5,000 damages and an injunction. The plaintiffs claim they were refused membership in the union.

"Fugitive" Case to Jury

Atlanta, Oct. 6.—After a trial consuming nearly two weeks, the $100,000 libel suit of Judge Vian Stanley, growing out of Warners' "I Am a Fugitive From a Chain Gang," tonight went to the jury in Fulton Superior Court.

File Mae West Judgment

A judgment for $4,019 against Mae West was entered in the New York County Clerk's office by the State Tax Commission yesterday. The claim is based on alleged tax arrears on 1931 and 1933 earnings.

NBC Sues Air Firm Over "Dallas" Show

National Broadcasting Co., Inc., The Charles H. Phillips Chemical Co. and Blackett-Sample-Hummert, Inc., yesterday filed suit in the U. S. District Court against Air Features, Inc., Selwyn & Co., Inc., Olive Higgins Prouty, author of "Stella Dallas" and Samuel Goldwyn, Inc., Ltd., and asked the court to restrain the defendants from allegedly interfering with the broadcasting of the radio program called "Stella Dallas."

Plaintiffs contend that Blackett-Sample-Hummert, as advertising agents for the Phillips Co., on Aug. 27, 1937, contracted with Air Features and Selwyn & Co. for the radio rights to a dramatic composition based on the book, "Stella Dallas," for one year, with option to renew for the four following successive years. Subsequently, in October, 1937, the complaint states, daily broadcasts over WEAF and other stations under the program name "Stella Dallas" were started to advertise Phillips Milk of Magnesia.

CBC Moves to Probe Premier's Broadcast

MONTREAL, Oct. 6.—Word from Ottawa today is to the effect that Gladstone Murray, manager of the Canadian Broadcasting Corp., is planning to investigate a recent Sunday broadcast by Premier Aberhart from Edmonton. The radio head, it is said, is taking steps to obtain the manuscript.

Premier Aberhart, among other things, was quoted as saying that British, French and Russians are "being stirred up by that foolish concept of contractual obligations which demands fulfillment, no matter what the conditions are."

CBC rulings strike hard against anything "of inflammatory character or contrary to public interest." The broadcast was over a private station, unaffiliated with the corporation but under its control. The station management, it is said, can be held liable for infringement of CBC regulations.

Command Show Off Air

LONDON, Oct. 6.—The British Broadcasting Co. today officially confirmed reports in MOTION PICTURE DAILY that there would be no broadcast of the Royal Command variety show. Such a broadcast had been protested by British exhibitors as unfair competition.

Corliss Joins Sponsors

Lamont Corliss Co. has signed for a section of the "Women of Tomorrow" program, a participation show on WJZ featuring Alice Maslin. The Lamont Corliss participation starts Oct. 31, and the contract is for 26 weeks. J. Walter Thompson is the agency.

WLAK Joins NBC Net

WLAK, Lakeland, Fla., has become a member of the NBC network as a bonus outlet available to advertisers buying the facilities of WFLA and WSUN, NBC affiliates in Tampa.

Bernie in Sanitarium

Ben Bernie has entered a local sanitarium for observation of a stomach disorder.

New Shows on the Air

"Star Theatre"

In advance of the opening of the Texaco "Star Theatre" series, Jim Tierney of the Texas Co. dispatched to radio desks a Roget Thesaurus. In the volume he enclosed a card which stated he was going to spare the recipient "his" adjectives. With the confidence and naivete possessed only by advertising men, he merely suggested that one listen to the premiere and then select one's own glitter words from the assortment within the thesaurus to describe the program.

Following the premiere—to say nothing of Mr. Tierney's suggestion—the thesaurus has been consulted and from it, however unoriginal be our choice, we have extracted that good old Hollywood standby, "colossal."

From every standpoint the Texaco premiere was the most satisfying first offering heard in years. Usually a show as gigantic as the "Star Theatre" requires much on-the-air experimentation before it achieves a successful pattern—witness the M-G-M show, "Hollywood Hotel" and others of that caliber—but the "Star Theatre" got off to a start as fast as the sponsor claims for your automobile if you use his gasoline.

Every department was a click. Adolphe Menjou, Charles Ruggles, Una Merkel and Ned Sparks offered comedy material second to none, Kenny Baker and Jane Froman were in sparkling voice; David Broekman's orchestra and the background chorals were grand, and Bette Davis, as the guest star in the Max Reinhardt production of an original by Arch Obeler titled "Alter Ego," emoted in a manner nothing short of magnificent, this despite an utterly fantastic and unbelievable story. Miss Davis played a dual role.

Mr. Obeler, apparently still under the impression he was writing one of his "Lights Out" midnight mysteries, penned a fantastic story of a girl within whom exists two personalities, one good, the other extremely evil. Ultimately the good girl is led to destroy herself, thus also destroying the evil spirit within her. "Alter Ego" is a variation of "The Dybbuk," an ancient Jewish folk tale, and of "Dr. Jekyl and Mr. Hyde."

Billy Bacher produces the first half of "Star Theatre," and Max Reinhardt produces the final half. To them and to their talent, full credit and honor for a splendid hour. "Star Theatre" is broadcast Wednesdays at 9:30 P.M. over the NBC-Red network, and comes from Hollywood.

"The Curtain Rises"

CBS seems to have struck upon a sound program idea in "The Curtain Rises," a new series which gives listeners a glance at coming attractions of the three major entertainment units, the motion picture, stage and radio.

The show is cut into two segments, coming from both New York and Hollywood. Production is in the hands of Martin Gosh of the CBS staff.

The program opened in New York, from backstage of a theatre where "Great Lady," is in rehearsal. Producer Brock Pemberton, and Norma Terris, Tullio Carminatti and Irene Bordini of the cast spoke cheery words about general prospects of the legitimate theatre. Switching to Hollywood, Barbara Stanwyck and Henry Fonda offered a preview scene from the film "Mad Miss Manton," and Robert Benchley, in his own fashion, told of some of the things to come in his forthcoming new network series.

Spokesmen for the motion picture and radio industries were Arthur Unger of *Hollywood Variety* and radio editor "Dinty" Doyle of the *Journal-American.*

"The Curtain Rises" is heard Wednesdays at 9 P. M. on CBS.

BANNER

Television Company Offers Stock Issue

One million shares of $1 par common stock of International Television Radio Corp. were placed on the market yesterday in order to further the introduction of the Preiss system of television and the commercial application of its patents. The stock, which is registered with the Securities & Exchange Commission, is being offered by prospectus at $1.60 per share.

The company plans to construct five television centers each consisting of a transmitter and a group of dealers' sets.

Bates Leaves Tomorrow

Ted Bates, vice-president and account executive at Benton & Bowles, leaves tomorrow for a trip to the west coast offices of the agency.

Marvin Joins Esty Firm

Richard Marvin, formerly with the J. Walter Thompson agency, has been appointed head of the radio department of William Esty & Co.

New Network Is Formed in Albany Area

ALBANY, Oct. 6.—Formation of a new broadcasting corporation, with eyes toward Kingston, Ulster County, has been disclosed here coincident with the filing of charter papers by Deuel Richardson, Forrest L. Willis and Samuel Jacobs of this city. The concern, known as the Mid-Hudson Broadcasting Co., Inc., has set up 200 shares, with no assigned par value.

Mr. Richardson, who is the brother-in-law of Harold E. Smith, manager of both WABY and WOKO here, is named as a director with Mr. Willis and Mr. Jacobs. Mr. Jacobs, who filed the papers, was also filing attorney last week for the Empire State Network, Inc., newly formed web consisting of WHN, New York, WABY, Albany, WBNY, Buffalo, WSAY, Rochester, WMBO, Auburn, and WIBX, Utica.

Mr. Willis, WOKO's veteran announcer in point of service, has been heard as conductor of the Montgomery Ward musical clock daily for the past three years and acts as master of ceremonies for the D'Jimas Brothers program, likewise a daily feature of the local CBS outlet. Mr. Smith, who has been named president of the Empire State Network, stated today that plans were too sketchy as yet to divulge information prior to dispatching an application for F. C. C. approval.

Lux to Co-Star Beerys

Noah and Wallv Beery will be costarred with Leo Carrillo, Eduardo Ciannelli and Edmund Lowe in a dramatization of "Viva Villa" in the Lux "Radio Theatre" presentation Monday.

Dan Tuthil to Speak

Dan Tuthil, NBC Artists Bureau executive, will be the speaker at a meeting of the New York chapter of the Salesmen's League of America in New York Monday evening.

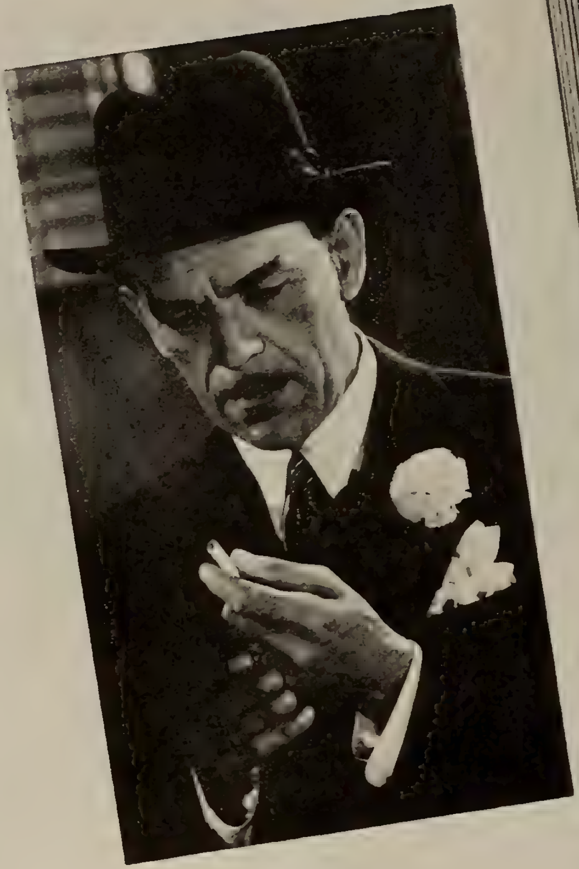
WE'RE SINGING ITS PRAISES

...and so is the audience of 300 that laughs with Welcome Lewis at her SINGING BEE every Wednesday night from 8:00 to 8:30 . . . here's a show that has everything: music, comedy, quizzes, prizes. More than that, it has the showmanship of Welcome Lewis. Some smart advertiser will want this program. Write WHN today.

WHN
DIAL 1010
NATIONAL SALES REPRESENTATIVES
EDWARD PETRY & CO., INC

Collier's

Wherein the suave James Lee Wong, under-cover man, encounters a murder mystery, and overlooks the evidence in favor of a quiet little talk—



Introducing the slickest . . . suavest sleuth of them all!

BORIS karloff

as Hugh Wiley's Chinese detective in

"Mr. WONG, DETECTIVE"

with

GRANT WITHERS · MAXINE JENNINGS · EVELYN BRENT

Directed by WILLIAM NIGH • Associate Producer WILLIAM LACKEY
Screenplay by Houston Branch • Based on the "James Lee Wong" series in COLLIER'S MAGAZINE written by Hugh Wiley

A *Monogram* PICTURE

WATCH FOR THESE "WONG" MYSTERIES:

•

"Mr. WONG at HEADQUARTERS"
"Mr. WONG in CHINATOWN"
"The MYSTERY of Mr. WONG"

THIS IS ONE OF THE MOVIE QUIZ $250,000.00 CONTEST PICTURES

•

"Fast-moving mystery story with plenty of suspense launches new series."—*Film Daily* • "Monogram has built a class production that should go far." — *Variety* • "Will undoubtedly prove a genuine rival to Charlie Chan in popularity."—*Picture Reports* • "First-rate murder mystery which will rank high. Boris Karloff flawless." — *Boxoffice*

•

Alert. Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

V 44. NO. 70 — NEW YORK, MONDAY, OCTOBER 10, 1938 — TEN CENTS

SCHAEFER TO HEAD RKO; LEAVES U. A.

Supreme Court May Decide on Doubles Today

Distributors Ask Review Of Perelman Case

The U. S. Supreme Court is expected to hand down its decision today on the application of major distributors for a review of the U. S. Circuit Court of Appeals ruling holding anti-double feature clauses in exhibition contracts to be illegal.

Distribution home offices are not optimistic over the chances of the high court's agreeing to review the case by granting their application for a writ of certiorari. However, distribution executives do not believe that efforts to curb double features will be ended automatically by a refusal of the Supreme Court to review the Perelman case. Many expressed the opinion that concrete efforts to treat the double feature problem in a fair and constructive light will be made during the exhibitor-distributor trade practice negotiations which will get under way here next week.

It is pointed out that influential independent exhibitor organizations, as well as many distributors, are anxious to bring some form of regulation to

(*Continued on page* 5)

MPTOA Leaders Meet Here Oct. 17

The executive committee of M. P. T. O. A. and other officials of the organization will meet here Oct. 17 to discuss the program of self-regulation of trade practices proposed by the distributors' negotiating committee.

M. P. T. O. A. representatives who have been asked to attend the meeting are Ed Kuykendall, president; L. C. Griffith, Oklahoma City; H. V. Harvey, San Francisco; O. C. Lam, Rome, Ga.; Jack Miller, Chicago; Sam Pinanski, Boston; Lewen Pizor, Phila-

(*Continued on page* 5)

Court to Hear GTP Case About Oct. 19

Washington, Oct. 9.—Argument in the General Talking Pictures Corp. patent infringement case probably will be heard by the U. S. Supreme Court about Oct. 19, it is learned here.

The case, scheduled to be argued Oct. 10, was postponed as a result of an agreement among the counsel involved. It revolves around the question whether a patent owner can re-

(*Continued on page* 4)

Little Fellow to Benefit From Trade Practice Talks

Major distributors are open minded on self-regulation. They are ready to go a long way, with exhibitors, in order to achieve for the trade a fair and feasible plan of industry self-regulation. All this is indicated by current discussions among the distributors.

They are talking of an optional cancellation privilege; elimination of the score charge, and the setting up of a conciliation system to handle exhibitor-distributor complaints. Also, about a policy of non-forcing of shorts.

The principal aim appears to be to help the little fellow, without oppressing his neighbor.

At the moment, the problem of protection is the most difficult one. It can't be disposed of too quickly because of the legal aspects involved.

If what the distributors are presently discussing becomes definitive, they may well form the basis of an all-industry discussion, with exhibitors, from which may grow the final self-regulation schedule of the trade.

It is up to the exhibitors.

All of which recalls the old 5-5-5 agreements which proved ineffective because some of the leaders wouldn't go along. Unless an attitude of co-operation is to be taken by such dis-

(*Continued on page* 4)

ITOA Accepts Bid To Trade Confabs

Harry Brandt, president of the I. T. O. A., has sent a wire to William F. Rodgers, acting chairman of the distributors' trade practice committee, accepting Mr. Rodgers' invitation to participate in the trade practice conferences which are scheduled to get under way here Oct. 19.

Mr. Brandt has appointed Leo Brecher and Laurence Bolognino to represent the I. T. O. A. along with himself. He said the organization has "many specific proposals" which will be submitted at the meeting.

In his wire to Mr. Rodgers, the I. T. O. A. head expressed his gratitude

(*Continued on page* 5)

Effective with this issue Sam Shain becomes editor of Motion Picture Daily.

Mulvey's Star Rises in New Setup at U.A.

With the resignation from United Artists of George J. Schaefer, a new operating setup, under Maurice Silverstone, is in the making and may be announced today by him. Silverstone is the head man at U. A. Samuel Goldwyn and Alexander Korda achieve a closer control of U. A., with this change.

It is believed that in the new order of things, James Mulvey, Samuel Goldwyn's eastern associate, will occupy a most important position in the new operating setup. Mulvey is one of the most highly respected executives in the trade. It is possible also that Stephen Pallos, associate of Alexander Korda, and sales chief of London Films (Korda), who is here presently, together with Emanuel Silverstone, representative of Korda here, will obtain greater spheres of influence in U. A.

Silverstone, of course, as head man of U. A., will hold the reins over all. What titles are to be meted out is in

(*Continued on page* 4)

Some of Du Art Lab Strikers Back Today

Some of the 35 striking employes of the Du Art Film Laboratories were to be returned to work today pending settlement of the strike under a 10-day "truce" agreed upon Friday by Arthur Gottlieb, head of the company, and

(*Continued on page* 5)

Rockefeller, RCA, Atlas Leo Spitz United in Urging Change

George J. Schaefer will be president of RKO when Leo Spitz retires and company conditions permit. Schaefer resigned from United Artists, 5 o'clock, Friday. RKO's reorganization plan is now awaiting formal confirmation and approval of Federal Judge William Bondy. Selection of Schaefer follows recommendation by Leo Spitz, on which all creditor groups concurred. Schaefer's 25 years in the industry have been with three companies, and entirely in distribution, with delegation to him of additional executive duties during the Paramount reorganization.

George J. Schaefer

His association with United Artists in the last two years as vice-president and general manager in charge of domestic and Canadian sales and as chairman of the administrative committee of the Motion Pictures' Greatest Year campaign have brought him into pre-eminence in the industry.

A native of Brooklyn, Schaefer's first association with the industry was in 1914 as secretary to the late Lewis

(*Continued on page* 4)

Chicago Trust Case Compromise Sought

Chicago, Oct. 9.—Conferences on an out-of-court settlement of the anti-trust suit filed against Balaban & Katz and major distributors by Chicago independent exhibitors were begun here Friday with Austin Keough and Y. Frank Freeman, vice-presidents of Paramount, attending.

Further conferences will be held in the near future, it was reported. Results of the initial discussion could not

(*Continued on page* 4)

O'Loghlin to Start Third Circuit Swing

James P. O'Loghlin, S. R. Kent Drive leader for 20th Century-Fox, will start shortly on his third and final swing of exchanges in connection with the drive.

Mr. O'Loghlin will be accompanied by William J. Clark, short subject sales manager, and the division managers in their areas, including William J. Kupper in the west, W. C. Gehring in the central area and William Sussman in the east. The trip will take six weeks.

Mr. Clark left Saturday to accompany his family to the coast, from where they will sail this week to visit relatives in Christ Church, New Zealand. He will meet Mr. O'Loghlin and Mr. Kupper in Los Angeles.

Ben Goetz Returns To Coast for Talks

Ben Goetz, head of M-G-M British production, returned to the coast over the weekend via American Airlines, after a week of New York conferences. He had held earlier conferences on the coast with Louis B. Mayer.

During the week here, Mr. Goetz conferred with Nicholas M. Schenck and Al Lichtman on casting and other details for "Good-Bye Mr. Chips," next on the English schedule. He returned to the coast to set final details on cast and director for the film, it was said.

He is expected back late this week and will probably sail with Mrs. Goetz next week.

Astoria Studio in Rush

Two features, "One Third of a Nation," with Sylvia Sidney, and William K. Howard's untitled film, in addition to a number of shorts have started a production rush at the Eastern Service Studios. In addition to the regular activities of Audio Productions, Inc., two shorts are being made for the Ford Motor Co. About 500 persons are on the payroll.

"Chain" Suit Dismissed

Atlanta, Oct. 9.—A $100,000 libel suit brought by Vivian Stanley, member of the Georgia Prison Commission, against Warners has been dismissed after a three-week trial in the Superior Court of Fulton County. Mr. Stanley charged that he was libeled in "I Am a Fugitive from a Chain Gang."

Seek School as Theatre

Jewett City, Conn., Oct. 9.—Finn's Theatre, operated by John Barnett, was completely destroyed by the hurricane and negotiations are in progress for the use of the local high school auditorium for exhibition. The theatre will be moved when construction details are arranged.

Rosenblatt at Houston

Sol A. Rosenblatt, attorney, will make a return engagement as speaker at the American Federation of Labor convention in Houston today, speaking on "Subversive Movements." He left Saturday for the south. He made his first appearance before the group as a speaker last year.

Purely Personal

Freddie Bartholomew arrives here tomorrow and will start a one-week personal appearance at Loew's State on Thursday. From there he goes on to Loew's house in Philadelphia, Pittsburgh and Providence

•

Bing Crosby, who has been vacationing in Bermuda, returned on the *Monarch of Bermuda* on Friday. With him on the trip were **Mrs. Crosby**, their son, **Gary**, and **Mr.** and **Mrs. Larry Crosby**.

•

George W. Weeks, Monogram general sales manager, left on Friday for a 10-day inspection tour of Monogram exchanges. Detroit, Cleveland, Gloversville, Buffalo and Boston will be visited.

•

Rosalind Russell left for Hollywood after a Connecticut vacation with her family. **Miss Russell** recently completed "The Citadel," an M-G-M British production.

•

Dave Gould, M-G-M manager at San Juan, Puerto Rico, sailed Saturday for his headquarters after a month's stay in New York.

•

Herman G. Weinberg, formerly with the Filmarte Theatre, is now directing publicity and advertising for World Pictures.

•

S. Charles Einfeld, Warner advertising and publicity chief, is due early in November for a periodic home office checkup.

•

Arthur Greenblatt, G. B. eastern division manager, is on a tour of the New England exchanges. He will be back Thursday.

•

W. C. Gehring, 20th Century-Fox central division manager, returned Saturday from Chicago.

•

Maxie Rosenbloom flew back to the Coast on Saturday after a one-week visit here.

•

Irving Berlin returned from his European trip on the *Ile de France* on Friday.

Darryl F. Zanuck will be invited to South Africa by exhibitors there through **W. J. Hutchinson**, foreign sales head, who is en route to Cape Town. Exhibitors are also planning a reception for **Mr. Hutchinson**.

•

Blanca Castejon, who played the feminine lead in the Spanish film, "Mis Dos Amores," has been given a long term contract by **Rafael Ramos Cobian** for Cobian Productions, Inc.

•

Lili Damita flew to the coast via TWA after calling off her European trip late last week. Her husband, **Errol Flynn**, has recuperated from a recent illness on the coast.

•

Robert Gillham, Paramount advertising and publicity director, will return from Boston today after supervising plans for the opening there of "If I Were King."

•

Lou Pollock of Universal has placed a display of African trophies in the Globe lobby as exploitation for "Dark Rapture."

•

Greta Garbo returned Friday on the *Kungsholm* from an extended European vacation. The ship's list carried her name as "Miss Rose Berland."

•

Arthur Greenblatt, G. B. eastern division manager, is due Thursday from a tour of New England exchanges.

•

Fred Quimby, head of the M-G-M shorts department, is expected soon from the coast for home office conferences.

•

John Mock, Paramount story editor in London, sailed Saturday on the *Ile de France* after a week's stay in New York.

•

Frances Weil of Reliance Pictures has joined the New York office of Edward Small Productions, Inc.

•

Fay Rothman sails on the *Corinthia* next Saturday for a West Indies vacation cruise.

•

Zelda Krugman of M-G-M's contract department celebrates a birthday today.

"Rat" Premiere Is Set

Warners will hold the world premiere of "Brother Rat" at the Virginia Military Institute, Lexington, Va., Oct. 20, the Institute being background for the film. Priscilla Lane, who has the lead in the film, will fly from Hollywood for the opening. She will be met at the airport by 720 cadets and will be guest of honor at a "hop" following the show, according to plans. Bob Taplinger, west coast publicity head, who arrived here by plane Saturday, will leave for Lexington this week.

Friends Fete Angie Ratto

Washington, Oct. 9.—Angie Ratto, manager of Loew's Palace, was guest of honor at a party given by friends Saturday night at the Willard. It was the 23rd anniversary of Ratto's connection with Loew's.

Vienna Producer Is Due

Ladislas Szucs, Vienna producer, will arrive here on the *Normandie* todav with story and music material he intends to offer to American producers. He was producing head of Vita Film studios in Vienna, now known as Tobis Sascha. Beboton Verlag, a film music publishing house Mr. Szucs founded in Berlin, was taken over by the German Government in 1935.

Start Cartoons for MGM

Harman-Ising on Friday started their first Technicolor one-reel cartoon under their commitment of 18 signed with M-G-M late last week. It is "The Captain's Christmas." While they will provide the major cartoon product for the company, the deal does not affect Milt Gross's status, who will continue current production of the "Captain and the Kids" series.

"Arkansas" Premiere Excites Little Rock

Little Rock, Oct. 9.—This town is still talking about the world premiere on Thursday of Bob Burns' starring film, "The Arkansas Traveler," at the 1,100-seat Pulaski. The honor guests included Arkansas Lieutenant Governor Robert Bailey, Mayor Richard E. Overman of Little Rock, Mayor Tom English of Van Buren, Hugh Park, publisher of the *Van [illegible] Press Argus;* Ross Lawhon, Mayor of North Little Rock, and other city and state officials.

Mayor Overman issued a proclamation designating last Thursday as "Arkansas Traveler Day." The premiere was conducted in a Hollywood setting, with arc lamps and all the rest of the necessary apparatus. Gail Patrick was present as a representative of the studio. Film men attending included M. A. Lightman, Henry Brownlee, Paul Jones and Clyde Smith. Burns spoke directly to the theatre audience from his Kraft radio program in Hollywood.

"Moon" Gets $27,000 In 2nd Strand Week

"Garden of the Moon" plus a stage show headlined by Jan Garber and his band and Ethel Merman garnered a reported $27,000 at the Strand in a second week.

"Road to Reno," Hope Hampton's picture, did $5,500 at the Globe. The Criterion netted $6,000 with "Sons of the Legion." Following the current run of "King of Alcatraz," the Criterion will open with another Paramount picture, "Touchdown, Army," Oct. 13.

"The Edge of the World" has started a fifth week at the 55th St. Playhouse.

G. B.'s "A Star Must Laugh" will open at the Little Carnegie tomorrow.

Fred McConnell on Trip

Fred McConnell, president of Record Pictures, is on a sales trip through the middle west. Pittsburgh was his first stop. Record now has three pictures on the market, with seven more scheduled. The latest acquisition is "Convicts at Large," produced by Myron C. Nast.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: Motion Picture Herald, Better Theatres, Teatro al Dia, International Motion Picture Almanac and Fame.

BUREAUS:—*Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager, *London:* 4 Golden Square, W. 1: cable address. Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

The Alcatraz Type

GIRLS ON PROBATION

WARNER EXPLOITATION WINNER!

Schaefer Will Be RKO Head; Quits UA Post

(Continued from page 1)

J. Selznick. A year later, he joined World Film Corp. in a sales executive capacity, remaining until 1920 when he went to Paramount. Starting as booker, he became New York office manager a year later and, successively, Boston branch head in 1921; New England district manager in 1922, and, in 1926, division manager in charge of the entire east and south under S. R. Kent, distribution chief.

When Mr. Kent resigned in 1932, Mr. Schaefer was appointed general sales manager, and during the Paramount receivership was named general manager of the company by the trustees. With Paramount's emergence from reorganization, he was elected first vice-president and a director of the new company in July, 1935. He resigned in that year. In 1936 he joined United Artists.

Depinet Talk Is Offside

Any talk about Ned E. Depinet leaving RKO is offside. Every fact points to his staying. He is head of the RKO-Radio picture and distribution end.

Spitz piloted RKO through its toughest years, when the company was torn by a distorted management setup which neither of the groups which followed each other in control of RKO ever comprehensively tackled.

In those years, Spitz brought harmony between the M. J. Meehan group which came into control of Keith-Albee-Orpheum, principal theatre subsidiary of RKO, a fact which had the greatest constructive effect in the affairs of RKO and the company operation.

Spitz has been eager to leave RKO for some time, but each time he has indicated his desire to step out creditors and bankers have united in influencing him to stay. Under his guidance RKO is now operating in the black, after months of a heavy siege of bad business, during which the company had to liquidate weighty prior obligations of the bankers.

Spitz came into RKO at the insistence of friends who have large investments in the company. He gave up a lucrative law practice in Chicago, where he heads one of the Windy City's biggest law firms, to serve RKO.

Spitz Is Expected to Remain

He is well-to-do, never having needed the post nor ever having sought it. The pressure is still on for Spitz to stay and he has been invited to write his own ticket, so that the likelihood is that he will probably agree to continue to serve the company in a special capacity, such as special counsel.

The theatre end, which Spitz reorganized with the help of the M. J. Meehan people, is anxious that Spitz continue to serve that end. They have tried to get him to take over control of that management end, which, of course, Spitz isn't doing.

The Meehan people are for Schaefer, following the lead of Spitz. Spitz and Schaefer have been friends since their early days in show business, one as a lawyer and leader and the other as a film company chief.

Peter Rathvon, chief aide to Floyd Odlum, head of Atlas, most prominent factor in RKO, will probably become chairman of the executive committee, to be formed upon the company's reorganization.

Possibly Odlum, himself, might entertain the chairmanship, which creditors are urging him to take.

A most notable part in straightening out the RKO reorganization picture must be credited to the Rockefeller people, particularly Nelson Rockefeller. The Rockefeller people have been on top of the situation right along, doing everything to help the situation.

Sarnoff Instrumental

David Sarnoff, head of RCA, is riding along, and other creditors such as the general creditor group, headed by Carlos Israels, member of the downtown law firm of White & Case, is understood also to have been instrumental in a very important way in achieving the present realignment of RKO.

The real break came from Spitz, himself, who has worked at RKO solely for the interest of that company, when he led in the recommendations for Schaefer.

The new board will comprise 15 members. The management will be amply represented, having probably three representatives. Atlas (Odlum) will have three; Lehman Bros. will have one; RCA will have two; the Rockefellers, two; the organized stockholders, one, as will the organized bondholders, represented by commitees. Possibly Henry Luce, or some other designee of the *Life-Fortune* publishing outfit, will be on the board. The independent security holders also will have a representative, as will the general creditors.

Mr. Schaefer's resignation from the vice-presidency of United Artists was given to the company's board of directors while the board was in session. Speaking for the board following the meeting, Maurice Silverstone, chairman of the United Artists executive committee, stated that the "directors have asked me to express to Mr. Schaefer their sincere appreciation of your devotion and loyalty to the company and extend every good wish for your continued success in the industry."

Mr. Silverstone added that he "concurred wholeheartedly" with the board's expression and voiced his personal regrets over the termination of Mr. Schaefer's association with United Artists.

Nelson Rockefeller Urged

According to present indications, Nelson Rockefeller is being urged by leading creditors to serve on the directorate. W. G. Van Schmus, managing director of the Music Hall, is regarded as another choice for the Rockefeller people's second representative on the board.

The selection of Schaefer to head the new RKO company is regarded enthusiastically by all creditor groups who have a high regard for his capabilities and his position of preeminence in the industry. His long record in ranking executive capacities and the personal esteem in which he is held by influential and representative factors in all branches of the industry is shared alike by the reorganization principals and RKO officials.

Little Fellow to Benefit From Trade Practice Talks

(Continued from page 1)

tributors and exhibitors, at this time, the same risk again applies.

What the distributors are discussing in the way of a cancellation privilege amounts to a graduated system, running down from 20% to 15% and 10%, beginning with the small-timer. In other words, the little fellow will get the biggest kickback on his deals.

When talking of the little man, this means probably 80% of the exhibitor side.

Whether there are to be any strings attached to the cancellation privilege is something still to be indicated. First accounts are that the distributors have their palms turned upward, and that the new deal which they hope to be able to offer is a clear-cut cancellation privilege.

How or where the distributors can make up that score charge item which they are talking of eliminating is some angle in itself. The wiping out of the score charge means a drop of just about $7,500,000 to $10,000,000 in aggregate annual income to the distributors.

The conciliation thing speaks for itself. If that becomes a fact, after mutual talks with the exhibitors and their negotiating committees, such conciliation boards as are established will hindle all distributor-exhibitor complaints.

Presumably, such conciliation boards would be set up in all important key cities, each board having equal distributor-exhibitor representation.

Such a plan, it is conceived, fairly covers all the existing trade defects which from time to time have been enunciated by M. P. T. O. A. and the Allied organizations.

Presumably, also, that cancellation privilege now being talked about would dispose of Allied's "compulsory booking" complaint.

As for items in M. P. T. O. A.'s program, such as playdates, overbuying, zoning, cut-rate and non-theatrical competition, might well be handled by the local conciliation system.

Allied's grievances such as the "right to buy" and "undue theatre expansion" have balked solution since the NRA days.

Allied's views of the "undue" theatre expansion problem are described as being more closely related to overbuilding and overseating than to the growth of affiliated circuits. Distribution quarters express a doubt as to whether or not any workable arrangement to regulate building can be incorporated in a trade practice program.

Allied's proposal for a curb on radio competition is supported by the M. P. T. O. A. and, in fact, included in the latter organization's condemnation of all non-theatrical competition.

Spitz Leader Since Early B. & K. Days

Leo Spitz owes his affiliation with the industry to the fact that he became asso[illegible]d with the Ba[illegible]an & Katz circuit in Chicago when it acquired the Lubliner-Trinz interests in 1925. Though not a member of the board of Balaban & Katz as general counsel, he took an active part in its deliberations, which led him into various phases of the industry, including the legal affairs of Paramount Publix.

Leo Spitz

A close friend for years of John D. Hertz, New York and Chicago banker and transportation magnate and an early backer of B. & K., and later chairman of Paramount's finance committee. Mr. Spitz came to New York as an executive of Paramount in 1932. His interest chiefly was in consolidating the theatre interests, and his efforts are credited with having enabled Paramount to weather receivership and bankruptcy. In 1933 he resigned and returned to Chicago. In 1935 he became president of RKO Radio, and in 1936 president of Keith-Albee-Orpheum.

Mulvey Star Rises In New U.A. Setup

(Continued from page 1)

the hands of Silverstone, who has been working industriously formulating the new setup.

Also expected, although unofficial, is that Jack Schlaifer may be assigned to the overall supervision of the western sales division; Harry Gold, eastern, and Paul Lazarus, on contracts.

Officially, there is no indication of what may actually be done.

Court to Hear GTP Case About Oct. 19

(Continued from page 1)

strict the use to which his product shall be put once it passes into the hands of a purchaser, in this instance whether General Talking Pictures infringed the patent on certain amplifiers which were restricted by notice thereon to radio reception, when it used them in sound equipment.

The case now is scheduled to be heard during the week of Oct. 17.

Chicago Trust Case Compromise Sought

(Continued from page 1)

be learned, and Rosenberg, Stein & Rosenberg, attorneys for the plaintiffs, declined to comment on the chances of an agreement being reached.

Austin Keough and Y. Frank Freeman arrived from Chicago over the weekend, but could not be reached.

MOTION PICTURE
DAILY

Hicks London Position Will Be Temporary

No change in the status of John W. Hicks, Paramount vice-president and foreign head, has resulted from his temporary assumption of the posts formerly held by John C. Graham, who resigned as managing director for the company in Britain last week, high Paramount officials said Saturday.

For corporate purposes Mr. Hicks has been elected to the directorates of several Paramount British subsidiaries on which Mr. Graham formerly served and has taken over all of the latter's duties for the time being. All of these posts and duties will be turned over to Mr. Graham's successor when the appointment is made, it was said. Mr. Hicks, however, is expected to continue in charge of the London office for the next few months. He is not scheduled to return to New York until shortly before Christmas.

No change in the Paramount home office foreign department results from the London situation, it was stated.

Some of Du Art Lab Strikers Back Today

(*Continued from page* 1)

Motion Picture Laboratory Technicians, Local 702.

A 10 per cent increase in wages has been granted, it is understood, and other terms are to be worked out by arbitration between Dick Walsh, I.A.T.S.E. vice-president, Mr. Gottlieb and John H. Rugge, president of the local. The agreement provides for a settlement in 10 days. Additional strikers will go back to work as soon as the laboratory can absorb them. The strike began eight weeks ago.

Complaints against two union members charging felonious assault in an alleged attack on two non-strikers will be dismissed, Mr. Gottlieb said. He left Sunday for Toronto where Du Art maintains a plant.

Directors of Ampa Scheduled to Meet

Ampa directors are scheduled to meet today or tomorrow to consider a poll of members on several proposals that have been made for the coming year.

One of these is an offer by the Hotel Astor to set aside a clubroom for meetings of industry organizations which will be used by the Ampa and other groups. The facilities, including dining service and a bar, will be open to members at all times. Other meeting places are under consideration.

Consolidated Holds Its Biograph Lease

A new five-year lease on the Biograph studios in the Bronx has been signed by Consolidated Film Industries. H. J. Yates, head of Consolidated, plans some production for Republic here and in addition will lease space to outside producers. The old lease on the property expired the first of this month. It is owned by the Empire Trust Co.

ITOA Accepts Bid To Trade Confabs

(*Continued from page* 1)

for the invitation to work out a program of self-regulation and pointed out that the local group has been sponsoring the idea of a trade practice conference for the last two years. He also declared that legislation is not necessary and that industry problems can be worked out by "common sense business men meeting around a table." Mr. Brandt said further that he is hopeful a concrete program would result from the negotiations.

Grand National Men Hold Sessions Here

The second and final sales meeting of Grand National Pictures was held at the St. Moritz over the weekend with about 35 home office officials and field sales executives in attendance.

The sessions were presided over by E. W. Hammons, president; J. H. Skirball, vice president and production head, and Edward L. Alperson, general sales manager. The meetings were addressed by these and T. R. Williams, treasurer; Gordon White, advertising and publicity director; Harold Saxe and Bruno Weyers of the home office staff, and Sam Berkowitz, vice president of Fine Arts Pictures.

Attending the sessions were George Blake, secretary; F. X. Carroll, Robert Doidge, L. J. Woodridge, Sam Citron and Philip Leonard of the home office; Sol Edwards, circuit sales manager; Morris Safier, west coast district manager; Ralph Kinsler, middle eastern district manager; Harry Asher, eastern district manager; Jack Lamont, southern district manager. Also the following branch managers: Arthur Newman, Albany; Joe Levy, Buffalo; Israel Levine, New Haven; Merritt Davis, Charlotte; Jules Lapidus, Pittsburgh; Moe Sherman, Philadelphia; Harry Brown, Washington; John Himmlein, Cleveland; and Peter Rosian, New York. Also Harry Goldstone and Richard Perry of the New York branch sales staff.

Screenings of four of the company's completed pictures supplemented the business sessions. Individual managers' meetings will conclude the session today.

Film Reviews Prove Over 95% Favorable

Newspaper comment on films in the first nine months of this year has been 95.7 per cent favorable, only 2.7 adverse and 1.6 neutral, according to an analysis made by the Hays office and released over the weekend.

The analysis includes 18 mimeographed pages of editorial comment and reports of statements made by educators, civic officials, heads of better films groups and other leaders. It is offered by the Hays office without comment.

Bronx Montre Wins Stay

Columbia Pictures Corp., Louis Kessler, Empire State Motion Pictures and Paramount Pictures have been restrained from prosecuting suits against the Bronx Montre Theatre Corp., owner of the Tremont, pending reorganization of the company. Bronx Montre Theatre filed a petition for a reorganization on Oct. 3.

Seek Loew Trial in N.Y. Before Delaware

The nine Loew minority stockholders who are plaintiffs in a consolidated action pending in the N. Y. Supreme Court against 11 Loew executives will seek to bring their suit to trial in advance of a similar action filed in Chancery Court, Wilmington, late last week, it is learned. Both proceedings charge excessive compensation and seek cancellation of profit-sharing agreements.

Emil K. Ellis, chief counsel for the plaintiffs in the consolidated suit, says the Delaware action will have no effect on the suit pending here and that preparation for trial is being completed, with the case on the November calendar.

The filing of any additional proceedings of this nature has been enjoined in this state by Supreme Court order, but the injunction has no application elsewhere.

Two of the complaining stockholders in the Wilmington action, Hana W. Goldstein and Louis Susman, are also plaintiffs in the consolidated suit. An additional complainant, Edgar F. Stiner, is not involved in the New York action.

A majority of the attorneys for the plaintiff in the suits which were later consolidated designated Mr. Ellis as chief counsel, and the choice was made official by court order. Plaintiffs in the Wilmington action objected, however, and on Aug. 7 served notice of appeal.

The sequestration of stock ordered in the Wilmington case against Louis B. Mayer, Nicholas M. Schenck, Arthur M. Loew and the Irving Thalberg estate executors to insure their appearance in the suit is a peculiarity of the Delaware law. It provides for such attachment procedure in the event of a non-resident suit against a company incorporated in Delaware.

Weisman Is Granted $15,000 Allowances

Federal Judge Martin T. Manton has granted Basil O'Connor a fourth ad interim allowance of $15,000 as attorney for Milton C. Weisman, receiver for Fox Theatres, in the equity suit brought by the Chicago Title & Trust Co. Judge Manton at the same time awarded Courtland Palmer, as the special master who passed on claims filed against Fox Theatres, a final allowance of $1,000.

Mr. O'Connor, who had previously received three interim allowances totaling $32,500, received the amount he had asked in his petition. The fee covers his services from July 1, 1937, to July 30, 1938. Mr. Palmer, who was appointed by Judge Manton on July 20, 1932, had previously received allowances totaling $12,500.

Movietone Reel on Hayes Given Church

A film biography of Cardinal Hayes compiled from Movietone News clips has been presented by 20th Century-Fox to the Catholic Church. Two prints, one to remain in the Archdiocese of New York, and the other to be included in the archives of the Vatican, have been accepted by Bishop Stephen Donahue.

Jack Munroe, associate editor of the reel, made the presentation at the Chancellery in behalf of S. R. Kent.

Supreme Court May Decide Doubles T

(*Continued from pag*

the double feature problem"
the broad nature of next we
cussions are certain to inclu
duals issue.

The Perelman case has been in Federal courts since 1933, when Phi delphia independent exhibitors fir filed their complaint attacking the legality of clauses written into exhibition contracts which barred the use of a second feature on the same program with the one being contracted for. The U. S. District Court at Philadelphia upheld the exhibitors' contention that the clauses were illegal.

Distributors appealed the case to the U. S. Circuit Court of Appeals at Philadelphia, which affirmed the lower court's findings. A rehearing of the case was then asked and granted. Thereafter, a memorandum reversing the lower court and finding in favor of the distributors was made public but was recalled by the court the following day with the explanation that it had been issued by mistake. A new decision was handed down by the appeals court last fall reaffirming the lower court's findings. The distributors then filed their application for a review with the high court just prior to its summer adjournment last June.

MPTOA Leaders Meet Here Oct. 17

(*Continued from page* 1)

delphia; Charles E. Williams, Omaha; M. C. Moore, Jacksonville; Fred Wehrenberg, St. Louis; Arthur Lockwood, Middletown, Conn., and Ed Levy, New Haven.

From this group a negotiating committee will be designated to meet with the distributors' negotiating committee of which Sidney R. Kent is chairman, Oct. 19. At the latter session final negotiations on M. P. T. O. A.'s trade practice views will be held.

Allied States' national directors will also meet here Oct. 17 to discuss the distributors' proposals and designate a committee to negotiate further with the distributors' committee in a separate meeting Oct. 19. National directors of Allied who are expected here for the meeting include Abram F. Myers, chairman; Nathan Yamins, president; Sidney Samuelson, H. A. Cole, W. A. Steffes, Max Cohen, Irving Dollinger and others.

On Oct. 19 or shortly thereafter the representatives of eight regional organizations not affiliated with either of the national organizations will meet with the distributors' committee, as reported earlier.

Richards, Goodyear File

Ernest V. Richards, Jr. and A. Conger Goodyear, Paramount board members, defendants in the Government's anti-trust suit against the eight major companies, have filed notice of appearance in the Federal Court. The defendants are represented by Simpson, Thacher & Bartlett.

MOTION PICTURE DAILY'S HANDY BOOKI[illegible]HART

[Dates Are Based Upon National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letter[illegible]rentheses After the Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoo[illegible]ction]

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS	G. B.
Sept. 9	Colorado Trail (O) The Lady Objects *Gloria Stuart* *Lanny Ross*	Boys Town (G) (D) *Spencer Tracy* *Mickey Rooney* (902)	Starlight Over Texas (O) *Tex Ritter*	In Old Mexico (G) (O) *William Boyd* (3855)	Billy the Kid Returns (G) (O) *Roy Rogers* *Smiley Burnette*	The Affairs of Annabel (G) (C) *Jack Oakie* *Lucille Ball* (902)	Safety in Numbers (G) (D) *Jones Family* (906)		Personal Secretary *William Gargan* *Joy Hodges*	Secrets of An Actress *Kay Francis* *George Brent*	The Thirty-Nine Steps (Reissue) (G) (Sept. 15)
Sept. 16	Juvenile Court *Paul Kelly* *Frankie Darro*	Too Hot to Handle (G) (D) *Clark Gable* *Myrna Loy*	Mexicali Kid (G) (O) *Jack Randall*	Campus Confessions (G) (C) *Betty Grable* (3802)	Overland Stage Raiders (G) (O) *3 Mesquiteers*	The Renegade Ranger (O) *O'Brien* (884)	Hold That Co-Ed (G) (C) *John Barrymore* *George Murphy* (907)		Black Bandit *Bob Baker* (305)	Valley of the Giants (G) (D) *Wayne Morris* *Claire Trevor*	Man with 100 Faces *Tom Walls* (Oct. 1)
Sept. 23	The Stranger from Arizona (O) *Buck Jones* *Dorothy Fay*		Wanted by Police (G) (D) *Frankie Darro* *Evalyn Knapp*	Sons of the Legion (G) (D) *Donald O'Connor* (3803)	Prairie Moon (O) *Gene Autry*	Fugitives for a Night (G) (D) *Frank Albertson* *Adrienne Ames* (903)	Time Out for Murder (G) (D) *Gloria Stuart* *Michael Whalen* (908)		Road to Reno (G) (C) *Hope Hampton* *Randolph Scott*	Four Daughters (G) (D) *Lane Sisters* *John Garfield* (359)	The Lady Vanishes (G) (C) *Margaret Lockwood* *Paul Lukas* (Nov. 1)
Sept. 30	You Can't Take It With You (G) (C) *Jean Arthur* Girls' School	Vacation from Love (G) (C) *Florence Rice* (905)	Mr. Wong, Detective (G) (D) *Karloff*	King of Alcatraz (A) (D) *J. Carroll Naish* (3804)	Down in "Arkansaw" (G) (D) *Weaver Bros.* *Pinky Tomlin*	Room Service (A) (C) *Marx Brothers* (901)	Straight, Place and Show (G) (C) *Ritz Bros.* (911)	Drums (G) (D) *Raymond Massey* *Sabu*	Youth Takes a Fling (G) (C) *Joel McCrea* *Andrea Leeds*	Garden of the Moon (G) (M) *Pat O'Brien* *Lindsay*	The Frog *Noah Beery* *Gordon Harker* (Nov. 15)
Oct. 7	Crime Takes a Holiday (G) (D) West of the Sante Fe (O)	Stablemates (G) (D) *Wallace Beery* *Mickey Rooney* (906)	Sweetheart of Sigma Chi (reissue) *Mary Carlisle*	Touchdown, Army *Mary Carlisle* *John Howard* (3805)	The Night Hawks (G) (D) *Robt. Livingston* *June Travis* *Robt. Armstrong*	Mr. Doodle Kicks Off (G) (C) *Joe Penner* (904)	Meet the Girls *June Lang* *Lynn Bari* (910)		That Certain Age (G) (C) *Durbin* *Jackie Cooper*	Broadway Musketeers (G) *Lindsay* *Marie Wilson*	
Oct. 14	Flight to Fame Below the Rio (O) *Buck Jones*	Listen, Darling *Bartholomew* *Judy Garland* (904)	Where the Buffalo Roam (O) *Tex Ritter*	Arkansas Traveler (G) (C) *Bob Burns* *Mary Carlisle* (3806)	Song of the West (O) *Gene Autry*	A Man to Remember (G) *Anne Shirley* (905)	Five of a Kind *Dionne Quintuplets*		Swing That Cheer *Tom Brown* *Andy Devine*	The Sisters (G) (D) *Bette Davis* *Errol Flynn* *Anita Louise*	**G. N.**
Oct. 21	Homicide Bureau *Bruce Cabot* *Rita Hayworth*	Young Dr. Kildare *Lew Ayres* *Lionel Barrymore*		Mysterious Rider (G) (O) (3807)	I Stand Accused *Robt. Cummings* *Helen Mack*	The Mad Miss Manton *Stanwyck* *Fonda* (906)	Mysterious Mr. Moto (G) (D) *Peter Lorre* (912)	There Goes My Heart (G) (C) *Fredric March* *Virginia Bruce*	Service De Luxe *Constance Bennett* *Vincent Price*	Girls on Probation (D) *Ronald Reagan* *Jane Bryan*	Renfrew on White Trail (228) (July 22)
Oct. 28	There's That Woman Again *Melvin Douglas* *Virginia Bruce*	The Great Waltz *Luise Rainer* *Fernand Gravet* *Miliza Karjus*		Escape from Yesterday *Farmer* *Erikson* *Tamiroff*	Storm Over Bengal *Patric Knowles* *Rochelle Hudson*	The Miracle Racket (Tentative) *Eilers* *Ann Miller*	Suez *Tyrone Power* *Loretta Young* *Annabella*	Cowboy and the Lady *Cooper* *Oberon*	The Storm *Bickford* *MacLane* *Foster* *Nan Grey*	Brother Rat *Wayne Morris* *Priscilla Lane*	Utah Trail (O) *Tex Ritter* (229) (Aug. 12)
Nov. 4	In Early Arizona *Bill Elliott* *Dorothy Gulliver*	The Citadel *Robert Donat* *Rosalind Russell*	Gangster's Boy *Jackie Cooper*	Men With Wings *MacMurray* Illegal Traffic *Naish*		Lawless Valley (O) *George O'Brien*	Always in Trouble (G) (C) *Jane Withers* *Jean Rogers* *Arthur Treacher*	Trade Winds *March* *Joan Bennett*	Exposed *Glenda Farrell* *Otto Kruger* Prairie Justice (O)	Hard to Get *Dick Powell* *de Havilland*	Dangerous Secrets *Paul Lukas* (Sept. 30)
Nov. 11	Revolt in Sahara *Paul Kelly* *Lorna Gray*	Sweethearts *MacDonald* *Eddy*	Gun Packer (O) *Jack Randall*	If I Were King *Colman* *Rathbone*	Colorado Sunset (O) *Roy Rogers*	Annabel Takes a Tour *Oakie* *Lucille Ball*	Just Around the Corner *Shirley Temple* *Charles Farrell*		Strange Faces *Dorothea Kent* *Frank Jenks* *Andy Devine*	Torchy Gets Her Man *Glenda Farrell* *MacLane*	Shadows Over Shanghai *James Dunn* *Ralph Morgan* (Oct. 14)

"Take It" Is Smash Hit in Los Angeles

Los Angeles, Oct. 9.—The house record established over the July 4 weekend by "Snow White" was smashed by "You Can't Take It With You" at the Pantages, with a take of $21,000 against par of $7,000. At the Hillstreet the "Snow White" record was untouched, with "You Can't Take It With You" doing $18,000 against par of $6,500. "Too Hot to Handle" and "Meet the Girls" went over average at the Chinese and Loew's State.

Estimated takings for the week ending Oct. 5:

"Too Hot to Handle" (M-G-M)
"Meet the Girls" (20th-Fox)
CHINESE—(2,500), 30c-75c, 7 days. Gross: $14,827. (Average, $12,500)

"You Can't Take It With You" (Col.)
HILLSTREET—(2,700), 30c-65c, 7 days. Gross: $18,000. (Average, $6,500)

"Too Hot to Handle" (M-G-M)
"Meet the Girls" (20th-Fox)
LOEW'S STATE—(2,500), 30c-75c, 7 days. Gross: $20,138. (Average, $14,000)

"You Can't Take It With You" (Col.)
PANTAGES — (3,000), 30c-65c, 7 days. Gross: $21,000. (Average, $7,000)

"Sing You Sinners" (Para.)
PARAMOUNT—(3,595), 30c-65c, 7 days, 2nd week. Stage: F. & M. revue, Jack Durant, Kenny Gardner, Rube Wolf and his orchestra. Gross: $14,500. (Average, $18,000)

"Garden of the Moon" (W. B.)
"Juvenile Court" (Col.)
WARNER BROS. (Hollywood)—(3,000), 30c-65c, 7 days. Gross: $12,189. (Average, $14,000)

"Garden of the Moon" (W. B.)
"Juvenile Court" (Col.)
WARNER BROS. (Downtown)—(3,400), 30c-65c, 7 days. Gross: $10,839. (Average, $12,000)

Council to Assist In Seat Regulation

London, Oct. 9.—The London County Council has agreed to meet with the London and Home Counties Branch of the Cinematograph Exhibitors' Association, to advise on the application of the controversial seating regulations recently imposed.

It is understood this move will have no bearing on the announced intention of the C.E.A. to carry its fight on the measure to the courts through a test case. The C.E.A. also is contesting the council regulation that screens be of noncombustible material, claiming that metal screens are unsuitable for sound, are less portable and are inconvenient.

Prize Tickets

Oklahoma City, Oct. 9.—The city park board has accepted an offer by Byron F. Moore, general manager of Standard Theatres, Inc., of 1,000 show tickets to be given weekly to under-privileged children for meritorious participation in playground and recreation programs of the park department.

Programs and methods of grading children will be worked out by Donald Gordon, Park Superintendent, and members of the recreational staff.

Hollywood Preview

"The Mad Miss Manton"

(RKO)

Hollywood, Oct. 9.—"The Mad Miss Manton" combines the thrills of an exciting detective story and the laughs of a high speed comedy. Based on a unique original story by Wilson Collison, upon which Philip G. Epstein has superimposed a smart and clever screenplay, the piece has been expertly directed by Leigh Jason. As screen merchandise, it is all-audience entertainment. In the matter of exploitation, whether the showmanship is concerned with name values, appeal of story content or quality of production detail, the picture opens the doors wide for novel ideas.

The efforts of a giddy society girl, aided by her gang of debutantes, to solve a baffling murder mystery by herself meanwhile almost driving a newspaper reporter and detective lieutenant to the verge of nervous breakdown is the plot basis. Her own dizzy, sometimes dangerous, exploits in which romance with the reporter is born; the antics of her girl pals in unearthing a puzzling list of suspects and motives; her amusing conflicts with the cops and reporter all make for exciting amusement. The melodramatic climax provides an emotion-stirring punch.

Barbara Stanwyck's performance in the title role is a well turned job. So are those of Henry Fonda and Sam Levene, respectively, reporter and detective lieutenant. As the story nears the end Stanley Ridges arrives to become a menacing character. Good incidental performances are provided by Frances Mercer, Hattie McDaniels, James Burke, Paul Guilfoyle, Penny Singleton, Leona Maricle, John Qualen and the members of the debutante gang.

No fears of competition need harass exhibitors who know how to sell their shows when "The Mad Miss Manton" comes to town.

Running time, 78 minutes. "G."

G. McC.

Fanchon & Marco in Deals for Product

Fanchon & Marco has consummated product contracts with 20th Century-Fox, RKO and Universal and deals with the other companies are under way.

The circuit has 10-year franchises with 20th Century-Fox, Warners and RKO for St. Louis first runs, as part of the settlement of the Government's anti-trust suit against Warners three years ago, and new deals are set each year. Sam Dembow, Jr., is in charge of film buying.

Removal of the accounting department to St. Louis has been completed bv F. & M., with activities now divided among Harry Arthur in St. Louis, Marco on the coast and Jack Partington and Mr. Dembow in New York. Mr. Partington has arrived on the coast and will also visit St. Louis before returning here in about two weeks.

"Quiz" Gaining in Conn.

New Haven, Oct. 9.—Indenendent exhibitors participating in the "Movie Quiz" contest now number about 55 in this area, with 13 newcomers during the week. Theatres which have joined recently include the Playhouse, New Canaan; Carroll, Hamilton, Cameo and Alhambra, Waterbury; E. M. Loew's, Hartford; Astor, East Hartford; Finn's, Jewett City; Capitol, Milford; Strand, Plainville; Strand, Thompsonville; Strand, Seymour, and Bryan Memorial Hall, Washington Depot.

Retitle "Bundle of Joy"

Hollywood, Oct. 9.—"Everybody's Baby" will be the release title of the new Jones Family film produced by 20th Century-Fox under the title of "Bundle of Joy."

Free "Quiz" Tickets Suggested by Seldes

A suggestion that local exhibitors widen participation in the "Movie Quiz" contest by awarding free tickets to contestants who answer a reasonable number of questions has been forwarded to the Motion Pictures' Greatest Year Campaign Committee by Gilbert Seldes, the critic. Mr. Seldes proposes that two or four seats be awarded with a provision that winners redeem their prizes in advance so that not more than 30 or 40 free seats are awarded for any date.

Typical of efforts to stimulate interest in the drive is a tieup arranged by Ray Bell of the Washington committee with Washington street railways. All street cars will carry banners for three weeks reading: "Motion Pictures' Greatest Year — Ride Street Cars or Buses to Your Favorite Theatre."

The Chicago *Herald and Examiner* has offered 53 additional prizes for a total of $2,500 for readers who rank highest in the national quiz. Readers are required to clip 24 coupons from the paper and participate in the contest. Large displays call attention to the new prizes and quiz pictures.

A web banner is now located on top of a building at Broadway and 46th St. in space donated by the General Outdoor Advertising Co. General Outdoor is also painting a sign next to Loew's State. The banner is sponsored by the West Side Association of Commerce.

Ravenscroft Talking Deal

Ralph Ravenscroft is closing a deal with Monogram for the release of his first production, "Tillie the Toiler." The film is scheduled to go in work at the Monogram studio within three weeks. William B. Jaffe, attorney, is handling the negotiations.

"Daughters" Boston Hit; Gets $23,000

Boston, Oct. 9.—"Four Daughters," with "Campus Confessions," was the big noise in Boston last week. It drew $23,000, $12,000 over, at the Metropolitan.

"Valley of the Giants" and "Time Out for Murder" grossed $9,500, $1,500 over, at the Paramount, and $5,500, up by $1,000, at the Fenway.

Estimated takings for the week ending Oct. 1:

"Valley of the Giants" (W.B.)
"Time Out for Murder" (20th-Fox)
FENWAY — (1,382) (25c-30c-40c-55c) 7 days. Gross: $5,500. (Average, $4,500.)

"I Am the Law" (Col.)
"The Gladiator" (Col.)
LOEW'S ORPHEUM — (2,970) (25c-35c-40c-55c) 7 days. Gross: $11,000. (Average, $12,000)

"I Am the Law" (Col.)
"The Gladiator" (Col.)
LOEW'S STATE — (3,537) (25c-30c-40c-55c) 7 days. Gross: $9,000. (Average, $11,000)

"Four Daughters" (F.N.)
"Campus Confessions" (Para.)
METROPOLITAN — (4,332) (25c-40c-55c) 7 days. Gross: $23,000. (Average, $11,000)

"Valley of the Giants" (W.B.)
"Time Out for Murder" (20th-Fox)
PARAMOUNT — (2,907) (25c-30c-40c-55c) 7 days. Gross: $9,500. (Average, $8,000)

"My Lucky Star" (20th-Fox)
"Personal Secretary" (Univ.)
RKO MEMORIAL—(2,790) (25c-40c-55c) 7 days, 2nd week. Gross: $8,000. (Average, $13,000)

Engravers Confer Oct. 19

Washington, Oct. 9.—A trade practice conference for the photo-engraving industry has been set for Oct. 19 at the Mayflower Hotel here by the Federal Trade Commission. Unfair trade practices and unethical business methods in the manufacture and sale of photo-engraving plates will be discussed. Garland S. Ferguson, chairman of the commission, will preside.

Wall Street

Eastman Pfd. Gains 5 Points on Board

	Open	High	Low	Close	Net Change
Col.	15	15	15	15	.....
Cons.	1⅝	1⅝	1⅝	1⅝	.....
Cons. pfd. ...	8¾	8¾	8¾	8¾	.....
E. K.	179¼	179¼	178½	179	— ½
E. K. pfd...	168	171	168	171	+5
G. T. E. ...	15⅞	15⅞	15⅞	15⅞	+ ⅛
Loew	53¾	54	53¼	53¼	.....
Para.	11⅞	12¼	11⅞	12	.....
Para. 1.....	95½	95½	95	95	.....
Para. 2.....	11⅞	12⅛	11⅝	11⅝	— ¼
Pathe	9⅞	10⅜	9¾	10	.....
RKO	2½	2¾	2½	2⅝	+ ⅛
20th Fox ..	26¾	26⅞	26½	26⅞	+ ⅛
Univ. pfd. .	43	45	43	45	+2½
W. B.	7	7⅛	7	7	.....
W. B. pfd...	36	36½	35¾	35¾	+ ¼

Curb Issues Change Lightly

	Open	High	Low	Close	Net Change
G. N.	7/16	7/16	⅜	7/16	+1/16
Monogram	1⅞	1⅞	1⅞	1⅞	— ⅛
Tech.	23½	23½	22¼	22¼	— ½
Trans-Lux ..	2⅛	2¼	2⅛	2¼	+ ⅛
Univ. Corp.	3¾	3¾	3¾	3¾	+ ¼

RKO Bonds Rise 5½ Points

	High	Low	Close	Net Change
Keith 6s '46.......	93	93	93	+1
Loew 3½s '46....	102	102	102	+ ⅝
Para. Pict. 6s '55	96	96	96	+ ½
Para. Pict. '47....	83	83	83	.....
RKO 6s '41........	74	69½	74	+5½
W. B. 6s '39......	81	80½	80½	.....

(Quotations at close of Oct. 7)

Banner LINES

A BELIEVE-IT-OR-NOT gleaned while talking to Bob Ripley. Rip states biggest publicity-getter in America today is dummy Charlie McCarthy, and second biggest is Rip himself. The cartoonist, incidentally, doesn't keep scrap books. His clippings are weighed and burned, monthly.

▼

President Lohr's office of NBC called by 'phone yesterday to learn if the item here the other day, about the plaque awarded to west cost v.-p. John Gilman for "colossal modesty in premiering the new studios without Hollywood fanfare, kleig lights, pretty girls and vice-president's speeches," was true. Mr. Lohr, it seems, was highly amused by the item. The column gets around.

▼

Sponsor loyalty is a terrible thing. Judging from his expressions, it's killing Ben Bernie to smoke a pipe (Ben without a cigar is like the w. k. mustard without the w. k. hot dog) but his new sponsor makes pipe tobacco, and so it's a bowl and stem for Ben. George Burns has been no less loyal to a cigar than Bernie, but George now is broadcasting for Chesterfields, and so it's cigarettes for him.

▼

There's no end to the service one can obtain from a radio network. Recently a British army private wrote NBC that his wife had just had a baby girl, and that as a gesture of international friendship he desired to name the infant in connection with American broadcasting. Whereupon NBC gave careful thought to the matter, with the following letter the result:

"After considerable thought we reached the conclusion that 'Ameradio' might be an appropriate suggestion. Other possibilities are 'Nabroco,' which is an abbreviated form of National Broadcasting Co.; 'Nabretta,' which is a combination of letters from National Broadcasting Co., Britannia and Electra. The word is from the Italian meaning 'symbol of electricity' and is the name of Marconi's daughter as well as his yacht."

▼

Irving Mansfield, the press agent, tried to convince Ken Lyons, another p. a., that he, Mansfield, had a "piece" of quiz program "Information Please."

Cracked Lyons: "Say, even if you put a nickel in the slot and dialled 4-1-1, *you'd still not get 'Information Please'".*

—JACK BANNER

Hode to Talk on WQXR

Hal Hode, executive of Columbia Pictures Corp., will enter a blanket defense for Hollywood in an appearance tonight at 9:45 P. M. over WQXR. Mr. Hode will defend Hollywood methods of production, block booking, typing of directors, and the star system in a talk titled "Hollywood Talks Back." His appearance will be on the "Exploring Arts and Sciences" program, presented in cooperation with the Radio Division, Federal Theatre.

Examiners' Hearings Are Set by the FCC

WASHINGTON, Oct. 9.—The Federal Communications Commission here issued orders for the holding of examiners' hearings on broadcasting applications as follows:

Oct. 17: Applications of KSEI, Pocatello, Ida., for change of frequency from 900 to 600 kilocycles and increase of night power from 250 to 1,000 watts; and NBC, for authority to construct mobile short-wave low-power stations for use in Washington, D. C., Hollywood, Cal., and Denver.

Nov. 1: Applications of Drohlich Brothers, for a 1,500-kilocycle station at Sedalia, Mo., with 100 watts power night, 260 watts day, and KPAC, Port Arthur, Tex., for change of frequency from 1,260 to 1,220 kilocycles and extension of time from day to unlimited.

Nov. 16: Applications of George H. Payne, for a 1,440-kilocycle, 500-watt station at San Jose, Cal., and Olney Broadcasting Co., for a 1,210-kilocycle station at Olney, Ill., with 100 watts power night, 250 watts day.

Nov. 30: Application of John F. Nolan for a 1,310-kilocycle, 100-watt daytime station at Steubenville, O.

Jones to Publicity Department of CBS

Wade Jones, formerly of the *Washington Star,* has joined the CBS publicity staff and beginning this evening he will take over the night trick of Hal Davis, who has been advanced to day duties.

Another change in CBS publicity department operations finds Jim Kane taken off routine publicity duties to become a contact man with the various New York City radio editors. This post was previously held by Bob Taplinger, now with Warners, and Pat O'Toole, now with a talent agency.

NBC Symphony Will Rehearse Tomorrow

The NBC Symphony Orchestra will begin rehearsals tomorrow in preparation for the new Toscanini-conducted symphony series which will return Oct. 15 from 10 to 11:30 P.M. on the Blue network. Mr. Toscanini arrived from Italy this morning.

The symphony will number 74 men, as last year, but there have been extensive revisions in personnel, 20 new members having been added.

Mutual Signs Lowther

George Lowther, who pens the scripts for the "Terry and the Pirates" and "Dick Tracy" network strips based on the newspaper cartoons of those titles, has been signed to write installments of "The Shadow" series, Mutual show sponsored by D. L. & W. Coal.

Feldman to NBC Here

Arthur Feldman has joined the NBC announcing staff in New York. He came here from WBZA in Boston, and previously was with WLOE, also Boston.

Will Interview Roach

Hal Roach will be interviewed by Gabriel Heatter on the "We, the People" program tomorrow over CBS. Mr. Roach will chat about his 25-year career in motion pictures.

Horrors!

Is it possible that the great Toscanini will "swing it" when he resumes his symphony series? Anyhow, among the 20 new musicians added to the orchestra during recent weeks is a trombonist from Paul Whiteman's band, a Fred Waring trumpet player and another trumpeter from Benny Goodman's band.

Seeking Permission For Oregon Station

WASHINGTON, Oct. 9.—Authority to construct a new 1,310-kilocycle, 100-watt daytime station at Grants Pass, Ore., has been asked of the Federal Communications Commission by the Southern Oregon Broadcasting Co.

An amendment to its application for a construction permit for a new station at Evanston, Ill., was filed by the Northwestern Broadcasting Association, asking that the proposed frequency be changed from 1,040 to 1,310 kilocycles and the time of operation from day to unlimited, on 100 watts power.

An application for permission to assign their licenses to the Lehigh Valley Broadcasting Co. was filed by B. Bryan Musselman, operator of WCBA, and WSAN, Inc., operator of WSAN, both of Allentown, Pa. The two stations share time on 1,440 kilocycles, each with 500 watts power.

"Vic and Sade" Will Return to NBC Web

"Vic and Sade," who for the past season have been heard over CBS, will return to the NBC-Red network next week, broadcasting from 4:30 to 4:45 P. M. Their sponsor is Procter & Gamble.

The "Gospel Singer," who also has been heard over NBC during the past six months, will return to NBC as soon as time can be cleared for him. Procter & Gamble will continue to sponsor his programs upon his return to the air. The Compton agency handles both above accounts.

College Honors Dunham

Dr. Franklin Dunham, NBC educational director, has been elected an honorary fellow in Trinity College, London. The award, just voted Dr. Dunham, will probably be bestowed in New York early next spring, according to cable advices just received.

Don Hancock Is Signed

Don Hancock, announcer, has been signed as commentator for the Burton Holmes screen travel series to do the commentaries. Mr. Hancock is heard on a number of network programs, including "First Nighter."

Angell to Speak Here

Dr. James Angell will deliver addresses on radio and education at a meeting of the New York Life Insurance Co. in New York tomorrow, and at a conference on audio-visual education at Atlanta the day following.

World Series Air Coverage Is Extensive

Radio's coverage of this season's World Series baseball games has be[illegible] more extensive than in previous s[illegible]sons. Not only did the three coast-to-coast chains, NBC, CBS and Mutual, carry play-by-plays of the games, but scores of independent stations throughout the country voluntarily hooked themselves into the networks, paying the line charges out of their own pockets. With approximately 700 stations operating in the country, it may be estimated safely that about 500 stations carried the play-by-play.

As was the case the last two seasons of unsponsored World Series broadcasts, the networks suffered heavy financial burdens in cancellations of commercial programs. NBC's Red network and CBS were hit particularly hard, for the early and late afternoon hours on those webs are fairly well sold out commercially between the hours of approximately 2 and 4:30 P.M., the average periods the games were covered. The Blue network and Mutual suffered to a lesser extent, the game time periods on those networks being liberally sprinkled with sustaining time.

NBC Has Two Staffs Working

NBC particularly extended itself this year, for the first time assigning two separate staffs of sports commentators to describe the play-by-plays and color for the Blue and Red audiences. Previously, NBC placed but one staff on the air for both of its networks. The Red commentators: Red Barbour of WLW and Tom Manning of WTAM, play-by-plays, and George Hicks handling color from the National League parks. Paul Douglas of CBS took over Hicks' assignment from New York. John O'Hara of KWK and George Higgins of WTCN handling play-by-play on the Blue, and Al Rosewell of KDKA doing color. The CBS staff comprised Francis Laux of KMOX and Bill Dyer of WCAU doing play-by-play, and Mel Allen of WABC, the color. Mutual's sports battery was Bob Elson of WGN broadcasting from Chicago and New York; Stan Lomax, WOR, New York games; Dave Driscoll, WOR, New York games, and Quin Ryan of WGN, doing the Chicago games.

The networks will not divulge how much in actual cash it has cost them via commercial cancellations, but estimates within the industry for the three webs have it at approximately $35,000-$40,000.

Dewey on NBC Network

A statewide hookup of NBC stations, similar to the one recently arranged for him over CBS stations, has been obtained for Thomas E. Dewey, Republican candidate for Governor of New York. The series, five broadcasts in number, will be heard Mondays from 6:30 to 6:45 P. M., starting today, over WJZ, WABY, WSYR, WEBR, WJTN, WMFF. Additionally, his campaign talks will be heard in recorded form over WHAM, WGY and WMBF. The broadcasts are being financed by the Non-Partisan Citizens Committee.

DO NOT REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

V 44. NO. 71 NEW YORK, TUESDAY, OCTOBER 11, 1938 TEN CENTS

Dual Control By Contracts Hit by Court

Supreme Bench Refuses Phila. Case Review

WASHINGTON, Oct. 10.—Regulation of double featuring by contract clauses suffered a vital setback yesterday when the U. S. Supreme Court denied a petition by six major distributors for a review of the decision of the Philadelphia Federal court in the so-called Perelman case, which held the inclusion of such clauses in contracts to be illegal.

In another ruling, however, the Supreme Court found that it had "probable jurisdiction" in the Dallas anti-trust case, thereby paving the way for a review of the lower court decision in that action. The regulation of double featuring by contract restrictions is involved in the Dallas case in a modified form.

The Perelman case involved the legality of a contract clause prohibiting the showing of a second feature on the

(*Continued on page 6*)

Supreme Court to Act on Ascap Laws

WASHINGTON, Oct. 10.—The U. S. Supreme Court acted today on two petitions involving the Washington and Florida anti-Ascap legislation, the first legal maneuvers to reach the high court since the enactment within the past two years of anti-Ascap statutes in six states.

The Supreme Court agreed to a hearing of Ascap's appeal from the dismissal of its action attacking the constitutionality of the Washington statute by the lower court on the

(*Continued on page 6*)

NAB Studying Press Fight on Censorship

WASHINGTON, Oct. 10.—The National Association of Broadcasters is making a study of newspaper and periodical material opposing Government censorship of radio. Editorials and press comment from all over the country have been forwarded to the N.A.B. headquarters.

Additionally, a library containing all information and literature ever

(*Continued on page 16*)

Radio News—P. 16

"Spokesman" Speaks

Hollywood advises that a "spokesman" for Samuel Goldwyn has revealed that the producer is trying to gag all agents, and that henceforth only Mr. Goldwyn can make statements regarding what talent or properties he hires or fires, and why. Also, this unidentified spokesman asserts that Mr. Goldwyn has warned all agents to this effect, and that the producer threatens to provide for cancellation of contracts wherever such agents are caught talking out of turn.

According to this "spokesman" Mr. Goldwyn will cancel whether the information released by the agent is "true or false."

Westinghouse Is Upheld in Suit on Television Patent

WILMINGTON, Oct. 10.—Judge John P. Nields, in U. S. District Court, today decreed the Patent Office erred in awarding priority to Henry Joseph Round (RCA) on a potassium layer photo-electric cell with ciscrete particles or elemental areas, used in television apparatus, and that priority to the patent application belonged to Vladimir Zworykin (Westinghouse).

The U. S. Commissioner of Patents, therefore, is directed by Judge Nields to allow some 14 claims in controversy in Zworykin's 1923 application.

Westinghouse sued RCA over priority rights to the patent.

U. S. FIRMS END FILM SERVICE IN ITALIAN MARKET

Offices to Be Kept Open Until Dec. 31 While Concessions Are Sought on Government's Decree Taking Over Distribution

All major distributors have discontinued film shipments and selling services to Italy in the latest development in connection with the increasingly critical situation affecting world film markets.

Major company offices in Italy will be kept open pending the outcome of negotiations in Rome for a modification of the decree creating a film distribution monopoly for the Government controlled E.N.I.C. Italy has extended the date for final compliance with the decree to Dec. 31 and home office foreign departments indicated yesterday that their Italian offices will remain open until that date even though no modifications in the decree are granted in the meantime.

With the discontinuance of film shipments to Italy, all dubbing activities by American companies in that country has been ended. Italian law requires that versions intended for distribution there be recorded in Italy, and

(*Continued on page 6*)

Rodgers Hopeful for Conference Success

CHICAGO, Oct. 10.—William F. Rodgers, general sales manager of M-G-M, passing through here en route to Grand Rapids to address the Allied of Michigan convention, declared he is hopeful that a great deal can be accomplished at the meetings between distributors and exhibitors scheduled to start next week.

He said, "Every phase of the buyers' and sellers' relationship will be discussed. Naturally a very serious effort will be made to settle any differences that may exist in these two branches of the industry." Rodgers went on to say that the conferences will last as long as necessary to settle differences.

"Snow White" Heads for $6,000,000, Record High

"Snow White" is headed for an all-time world record, surpassing any predecessor film, the film doing a champion domestic gross of nearly $4,000,000, and probably $6,000,000 aggregate around the world. It's never been equaled. The film cost $1,670,000.

The British take, alone, may run to $1,250,000.

Warners' original Al Jolson talker, "The Singing Fool," is the nearest grosser of record, with $5,250,000.

The "Snow White" take is unusual in the face of the fact that additionally much of the continental European business has been swept away by ideological recriminations.

The picture is continuing with numerous repeat bookings in this market and, according to present indications, may have the longest playing life of any film yet released. It may not have scratched the foreign market possibilities yet, but a gross of approximately $1,250,000 is believed not to be impossible in England.

The recent war scare cut into the picture's early playing engagements in England and on the Continent as in other films. William Levy, Disney

(*Continued on page 6*)

Gold, Schlaifer To Share Control Of U.A.'s Selling

Harry Gold, as eastern division sales manager for United Artists, and L. J. (Jack) Schlaifer, as western division manager, will have complete charge of the company's domestic sales organization, Maurice Silverstone, executive head of the company, said yesterday.

In making known the appointments, Mr. Silverstone stated that no "general manager" would be named, a title held by Schaefer, who was vice-president and general manager of domestic distribution. Mr. Silverstone also stated that "no one will be brought into United Artists to direct its domestic sales."

It was pointed out that the operation of all of the activities of the company, including sales in the United States and Canada, "come within Mr. Silverstone's general direction as chief executive officer of its worldwide affairs."

In commenting on the appointments, Mr. Silverstone said that they reflected his confidence and respect and that of the company owners for his sales chiefs and was an acknowledgement and tribute to the entire sales organization.

Marquee Test Case Will Be Postponed

A test suit to determine the right of the Board of Standards and Appeals to waive size limitations on marquees in special cases will come up for hearing in the N. Y. Supreme Court today but will be adjourned. Newsreel Theatres, Inc., which erected a four-foot marquee on its uptown house has obtained permission to intervene.

Permission to erect the marquee was originally denied by the Building Department because of a two-foot regulation in the Administrative Code, but an appeal was taken to the Board of Standards and Appeals and permission was obtained. Later Rutgers Presbyterian Church, Wood, Dolson Co., Inc., and Chemical Bank & Trust Co. sued, challenging the board's right to waive statutory requirements.

A resolution to permit nine-foot signs on marquees was passed by the City Council in June, but awaits action by the Board of Estimate.

Eight New Pictures Approved by Legion

The National Legion of Decency for the current week has approved eight of nine new pictures, seven for general patronage and one for adults, and classified one as objectionable in part. The new films and their classification follow.

Class A-1, Unobjectionable for General Patronage—"Guilty Trail," "A Man to Remember," "Man With 100 Faces," "The Night Hawk," "Stablemates," "Stranger from Arizona," "That Certain Age." Class A-2, Unobjectionable for Adults—"Last Express." Class B, Objectionable in Part—"Broadway Musketeers."

Richards En Route East

Hollywood, Oct. 10.—With his company's first picture, "The Headleys At Home" completed and in the cutting room, B. W. Richards, president of Standard Pictures, left for the east today by motor. He was accompanied by George Laganas and George E. Trainor, members of the board, who have been here for two weeks. The party will stop in Denver, Kansas City, Chicago, Detroit and Cleveland.

AFL Hears Rosenblatt

Houston, Oct. 10.—Laws cancelling the right to vote by subversive elements were urged at the American Federation of Labor convention here today by Sol A. Rosenblatt, New York film attorney. Mr. Rosenblatt spoke in his capacity as impartial chairman of the cloak, suit and skirt industries. In his speech he attacked those who seek a change in the American form of government.

Lachmann to Annapolis

Marc Lachmann, national exploitation manager at 20th-Century Fox, left last night for Annapolis to arrange a private showing of "Submarine Patrol" at the U. S. Naval Academy there.

Station Increases Stock

Richmond, Oct. 10.—The Times-Dispatch Radio Corp. here, has filed a charter amendment increasing its maximum authorized capital stock from $80,000 to $130,000.

Hollywood Letter

Hollywood, Oct. 10

THE N.L.R.B. hearings on the question of when an assistant director's a director, if ever, and when he isn't, etc., has ended. The guilds are striving mightily to get their tasks done, working on basic agreements. Presently it looks as if a pressing problem is how the actors and the agents will settle their end.

▼

Merritt Hulburd, who quit motion picture production to become associate editor of The Saturday Evening Post, quit magazine publication to sign up with Selznick International as an associate producer under David O. Selznick. He'll be out here around Nov. 1 getting set to produce "Intermezzo," which the company has just acquired from Svensk Filmindustri.

▼

Cecil B. DeMille has decided to film the Cheyenne, Wyoming, sequences of "Union Pacific," his Paramount commitment, at Iron Springs, Utah. . . . Terry Kilbourne has been lent by M-G-M to Hal Roach for "Topper Takes a Trip." . . . Franklyn Warner has given Charles Lamont the "go" signal on the second Fine Arts Cipher Bureau picture for G. N. which will be called "Inverted Cipher." Standard Pictures has completed "The Headleys at Home," its first film for the same distributor, and is deep into "20,000,000 Witnesses" under direction of Chris Beuete.

▼

Cary Grant, Douglas Fairbanks, Jr., and Victor McLaglen finished up their chores in RKO's "Gunga Din" at the Lone Pine location early in the week. . . . Bernard Vorhaus is to be Bobby Breen's house guest for two weeks prior to directing the boy star in Principal's "Fisherman's Wharf" so he'll know the boy better when they get going. . . Robert Taylor's going international again in M-G-M's "Hands Across the Border." . . . Claire Trevor will star in Walter Wanger's "Stage Coach" under John Ford's direction.

Roscoe Williams

Purely Personal

ALLYN BUTTERFIELD, managing editor of Pathe News, returned last night on the *Normandie* after making arrangements for extended European coverage. Among other arrivals were Julius Steger of 20th Century-Fox; Georges and Mrs. Metaxa, Claire Luce, who said she will play in a road company of "Of Mice and Men"; Tamara Geva, Reg Connelly, John Barbirolli and Colette d'Arville.

•

E. C. Grainger, general manager of the Feiber & Shea Circuit, returned yesterday from a two-week trip through Ohio and Pennsylvania during which he visited all the company's 35 houses for talks on the "Movie Quiz" contest.

•

George W. Weeks, Monogram sales manager, left yesterday for Detroit, Cleveland, Gloversville, Buffalo and Boston. He will be away about 10 days.

•

H. A. De Vry, president of the De Vry Corp., is in town from Chicago for several days on plans to enlarge the New York office.

•

Herb Miller, managing editor of *The Exhibitor,* is the father of a baby girl born Sunday night at Hanneman Hospital, Philadelphia.

•

L. W. Conrow, president of Altec Service Corp., has returned after a two-week trip to Altec offices in the south.

•

Jack and Vicki Walker leave for San Francisco soon.

•

Clayton Rawson's book, "Death from a Top Hat," has been purchased by M-G-M.

W. A. SCULLY, Universal general sales manager, is expected back in New York tomorrow from a visit to the studio for a look at recently completed pictures.

•

William F. Rodgers, M-G-M sales chief, is due in Grand Rapids today to address Allied of Michigan on trade practices. He is expected back here next weekend.

•

Russell T. Erwin, Jr., and Roderick M. Warren, who have been making a film on Irish sports for Grantland Rice, returned Sunday from abroad.

•

Gabriel Pascal, English producer, arrived yesterday on the *Normandie* to attend the opening of "Pygmalion" here.

•

Roy Haines, eastern and Canadian sales manager for Warners, returned to his desk yesterday from a trip to nearby branches.

•

Tom Connors, M-G-M southern division manager, is touring the south and is due back next week.

•

Al Adams, Republic advertising head, picked four losers in college football last Saturday.

•

Fred Bellin of Spectrum Pictures is having his New York headquarters enlarged.

•

James R. Grainger, Republic president, is due next weekend from a tour of exchanges.

•

Robert Smeltzer, Warners central district manager, is in town for conferences at the home office.

KMTA Will Send 30 To MPTOA Meeting

Oklahoma City, Oct. 10.—Frank Cassil, president of the Kansas-Missouri Theatre Association, has sent a list of 30 delegates from his association and the Kansas City territory who will attend the national M. P. T. O. A. convention at the Biltmore Hotel here Oct. 30 through Nov. 2.

Those included were Cassil, Ge[illegible]e Harttman, T. W. Edwards, A[illegible] J. Simmons, Roy Dunnock, H. J. Stroig, C. H. Barron, O. F. Sullivan, S. Schwan, George Nescher, Warren Weber, Ed Rolsky, John C. Stapel, R. R. Bichele, Mrs. June Metcalf, K.M.T.A. secretary; H. B. Doering, J. C. Pennington, W. J. McKinney, Louis and Sam Sosnay.

Also, Fenton Jones, Frank Bowen, Russell Borg and Pat Pinnell, Grand National; Ben Marcus, Columbia; Douglas Desch, G. B.; Bill Warner, Warners; Charles Gregory, National Screen Service, F. C. Hensler, Loew's; E. A. Harris, Alexander Film Co.

Barnard, Paramount Exchange Head, Dies

Indianapolis, Oct. 10.—E. J. Barnard, local Paramount branch manager, died suddenly here today. He had been associated with the company since 1924.

Barnard joined Paramount as assistant shipper in the ad sales department of the Chicago exchange and later became a sales manager in Indianapolis, Cincinnati and Chicago. He became a salesman in Chicago in 1927, and in March, 1933, was appointed sales manager there. In August, 1936, he was assigned to the Indianapolis exchange as manager.

Lederer Rites Today

Funeral services will be held today for George W. Lederer, musical comedy producer, who died Friday. A son, Charles Lederer, is one of Hollywood's outstanding screen writers. Lederer was a pioneer in the production of the musical comedy type of entertainment.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

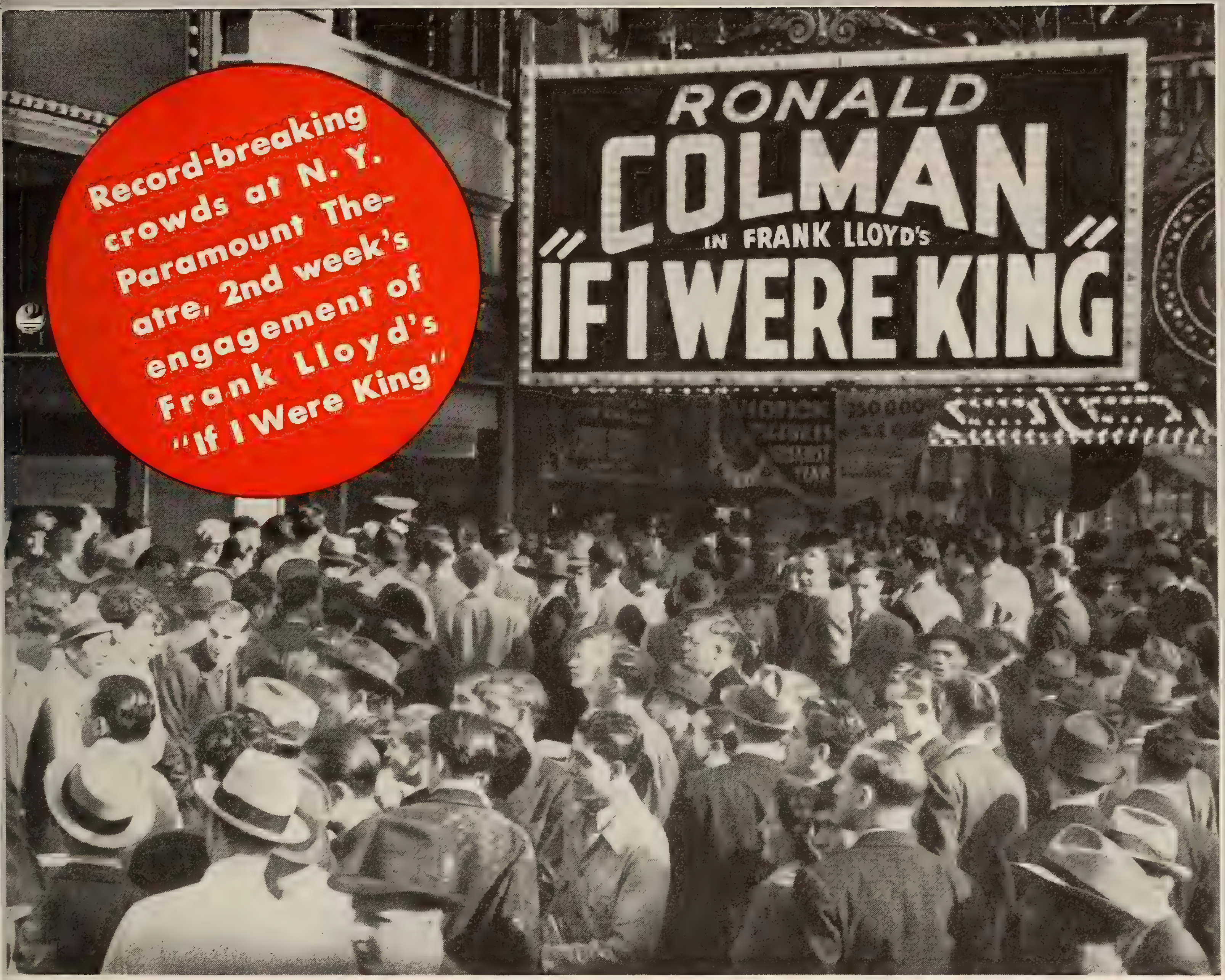
Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: Motion Picture Herald, Better Theatres, Teatro al Dia, International Motion Picture Almanac and Fame.

BUREAUS:—*Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager, *London:* 4 Golden Square, W. 1: cable address. Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.


RONALD
COLMAN
IN FRANK LLOYD'S
"IF I WERE KING"

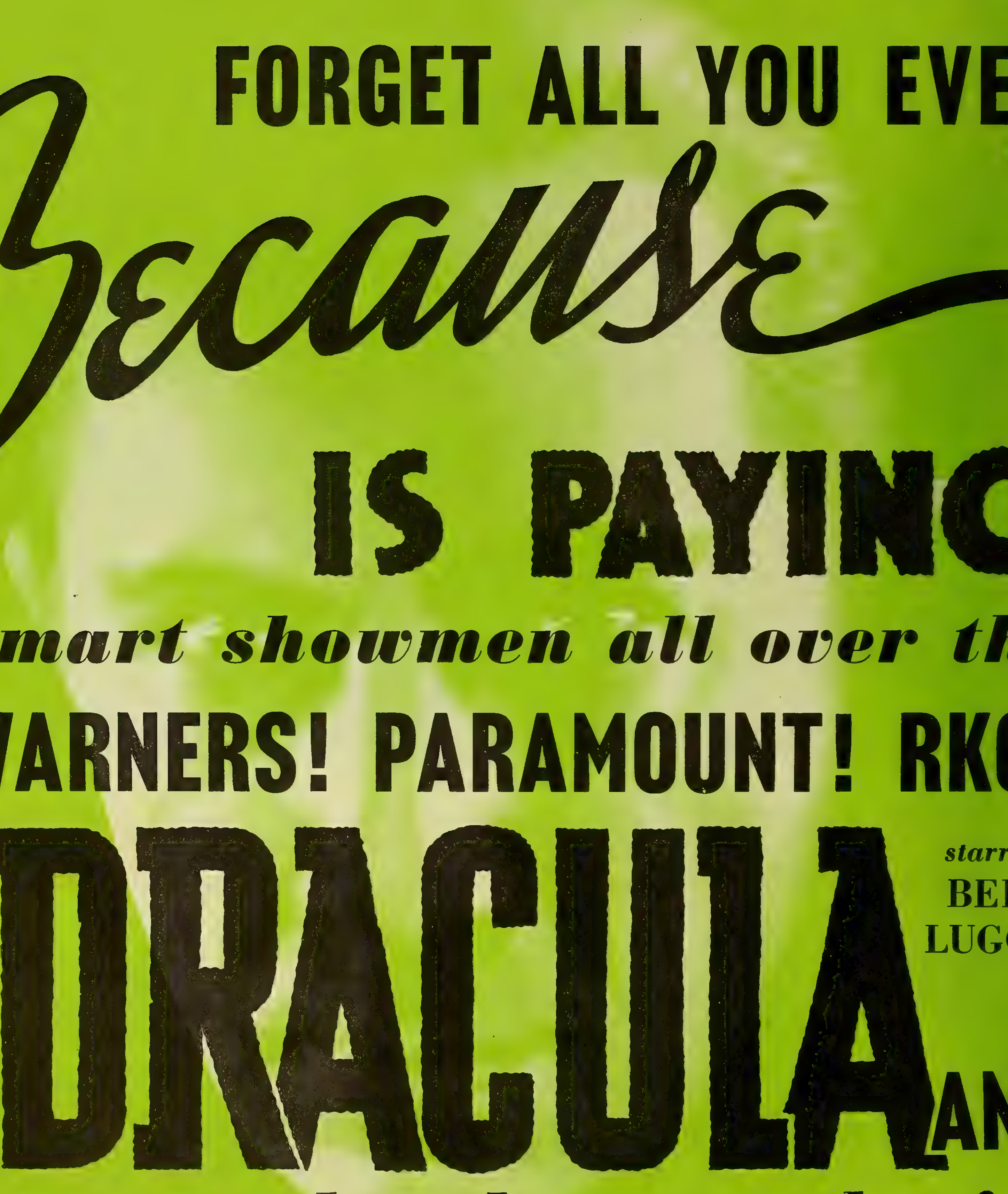
Record-breaking crowds at N. Y. Paramount Theatre, 2nd week's engagement of Frank Lloyd's "If I Were King"

BELIEVE IT OR NOT

This picture was taken on opening day of the

SECOND WEEK!

Paramount Pictures



THROW AWAY

FORGET ALL YOU EVER

Because

IS PAYING

Smart showmen all over the

WARNERS! PARAMOUNT! RKO!

UNIVERSAL'S

DRACULA

starring
BELA
LUGOS

AND

you play them together!

AND THEN THE CROWDS

THE BOOKS!

KNEW ABOUT SHOWMANSHIP!

HORROR
OFF AGAIN!

country are cashing in on it!

LOEWS! FOX WEST COAST!

FRANKENSTEIN

starring
KARLOFF

you dare them to see it!

BREAK DOWN YOUR DOORS!

U.S. Firms End Shipments to Italian Market

(*Continued from page* 1)

all sales services, such as advertising and publicity aids, also have been discontinued. The South American market is another known trouble spot for American film companies, according to present straws in the wind, which promises to become an ill one before long. The No. 2 foreign revenue producing sector is rapidly succumbing to the fanning of national prejudices and industry sources here anticipate restrictions of a harsh nature.

Europe and the Orient have provided the South American countries with numerous precedents and patterns by which they can promote their native film industries at the expense of the United States. Added to the economic factor is the infusion of propaganda from continental European countries, and both together promise soon to provide a first class headache for New York executives.

Trend Is Against U. S. Films

So marked is the trend against American films in various parts of the world that industry sources here envisage a self-sufficient American film industry, with the English speaking countries virtually the only market for our product.

While with few exceptions quota and tax regulations abroad have remained unchanged in the last year, a number of new factors have arisen that have contributed to the dwindling returns.

Two of the most recent are the extension of Nazi rule to Austria and Czechoslovakia and the Italian anti-American decree.

While Germany and France continue to throw up forts they have not erected any additional commercial barriers against U. S. films in the last year. The Nazi territorial expansion toward the east has curtailed American revenue in Austria and Czechoslovakia. In the latter country about half of the American companies' revenue possibilities have been taken over by the Nazis, including the luxury resorts of Karlsbad and Marienbad and the industrial cities in the eastern portion of the annexed territory.

Warners to Quit Austria

M-G-M, Paramount and 20th Century-Fox continue to operate in the German territories, but on the basis of Warners' withdrawal from Germany some years ago that company will cease its distribution in the annexed territory.

Japan continues a sore spot. While limited shipments of film were recently resumed, the question of frozen currency is a problem. The American companies have received no money from Japan since last July, and the total of embargoed currency runs between $6,000,000 and $7,000,000.

Recently it was arranged that new shipments could be paid for in three-year notes drawing no interest. The currency is turned over by the Japanese account to the Government, which guarantees the notes. The paper is deposited in the San Francisco branch of the Yokohama Specie Bank and is to remain there until maturity.

This amounts to a loan, without interest, to the Japanese Government which has been pressed for cash with which to prosecute its Chinese adventure. The companies entered into this arrangement as a means of getting out enough money to pay for prints.

Quota's Heavy Bill

The British quota act which went into effect last spring will cost American film companies a minimum of $85,000,000 for production during the 10 years of its existence, according to estimates made by Hays office sources.

It is emphasized that this figure is the basic minimum, computed on the cost of single quota credit films, approximately $75,000 each, and that the total undoubtedly will run much higher.

Empire State Union To Reelect Officers

Present officers of the Empire State M. P. Operators' Union will be unopposed at the annual election scheduled for Oct. 18. All nine members of the executive board have also been renamed, but six additional nominations have been made.

The nominations are Abraham I. Kindler, president; Benjamin S. Greenstein, vice-president; Leon Diamondstein, financial secretary-treasurer; William Santarsiero, recording secretary; Harry Fischman, business agent, and Peter Elarde, Jr., sergeant-at-arms. Nominated for the executive board are Nick Pitta, Charles Palowsky, Jack Millet, Alfred Schnall, Reuben Weissman, William Greenspan, Abraham Silverman, Ignatius Ricca and Michael Finkelstein, present incumbents, and Louis Davis, Fred Rose, James Quinn, Joseph Morasco, Harry Rubin and Edward Levine.

Pascal to Do Film For MGM on Coast

Gabriel L Pascal, British independent producer, will make a film in Hollywood for M-G-M, he said on arriving last night on the *Normandie*. It will be a George Bernard Shaw play, either "Devil's Disciple" or "Caesar and Cleopatra."

The story will be decided in conferences with Louis B. Mayer on the coast. Mr. Pascal will also supervise the editing of "Pygmalion," which M-G-M will release. Mr. Pascal said he is financing his own productions. His next picture will feature Maria Dea, whom he "discovered" in Europe.

Victor Schertzinger, another arrival, returned from London, where he directed "Mikado," Gilbert & Sullivan operetta, for Geoffrey Toye. He said it is planned to make other Gilbert & Sullivan shows as films, and he will return to England next year to produce "Yeoman of the Guard."

Ladislas Szucs, former head of Vita studios in Vienna, which are now known as Tobis Sascha, arrived on the boat with a collection of music material, stories and plays which he will offer to film studios. His Beboton Verlag in Berlin, music publishing house specializing in film scores, was confiscated by the German government. He now heads the Violin Publishing Co. in Budapest. He will leave for the coast in two weeks.

C. F. Hopkins Recovering

HARRISBURG, Oct. 10.—C. Floyd Hopkins, district manager for Wilmer & Vincent, is recovering from injuries received when hit by a train last Thursday on a grade crossing at Utica. He had gone there to attend funeral services for John Maloy, former manager of the State at Altoona. Hopkins suffered a back injury and cuts around the eyes caused by the breaking of his glasses.

"Snow White" Heads for $6,000,000, Record High

(*Continued from page* 1)

representative in London, who is now in New York for conferences with Roy Disnev, reported that thousands of families moved from the city to rural sections as the threat of war became increasingly acute, a fact which may have had a more telling effect on "Snow White" grosses during the past month than on other pictures for which the juvenile trade is less important.

The indicated $5,500,000 from the American and British market will be supplemented by a world gross elsewhere sufficient to establish a new all-time gross record, according to current estimates.

The present all-time record is held by Warners' "The Singing Fool," with a world gross of about $5,250,000. M-G-M followed this with two pictures over the $4,000,000 figure but under $5,000,000. They were both silent pictures, "The Four Horsemen of the Apocalypse" leading with $4,500,000 and "Ben Hur," released five years later in 1926, with a gross of $4,000,000.

Six pictures made the $3,000,000 or better class. They are, Warners' "Jazz Singer," a 1927 release, which grossed $3,500,000; M-G-M's "The Big Parade," released in 1925, which grossed $3,500,000; D. W. Griffith's "Birth of a Nation," released in 1915, which grossed $3,500,000; Fox's "Cavalcade," $3,500,000, and "Sunny Side Up," $3,300,000, and M-G-M's "Broadway Melody," 1929, which reached the $3,000,000 mark.

United Artists' "Whoopee," "Kid from Spain," "The Gold Rush" and "The Kid" all grossed better than $2,500,000. RKO's best was "Little Women," released in 1933, which grossed $2,250,000. "The Ten Commandments," released in 1923, piled up a gross of better than $2,500,000 for a Paramount record. "All Quiet on the Western Front" still stands as Universal's best with slightly under $2,000,000. "Lost Horizon," a 1937 Columbia release, is still being played, but already has established a record gross for that company in excess of $2,000,000.

Dual Control By Contracts Hit by Court

(*Continued from page* 1)

same program with any picture covered by the license agreement. [illegible] refusing to review the lower court decision holding such clauses to be illegal, the Supreme Court barred the regulation of duals by this means. In the Dallas case, the contracts involved applied only to specific pictures which, if exhibited by the first run at designated minimum admissions, had to be exhibited in subsequent runs at other designated admission prices and then only on a single feature program.

With the high court's finding that it had "probable jurisdiction" in the Dallas case, the way was left open for distributors and the Interstate Circuit to apply to the court for a review of the lower court's decision holding such contracts to be in violation of the Sherman and Clayton Acts. The case was before the Supreme Court last term, but was remanded to the Texas court for further action because of the failure of that court to show findings of fact and conclusions of law, as required by the rules.

The case, however, involves only the limited regulation of double featuring in that it can be applied only to specific pictures. Distribution companies are more hopeful of a solution of the double feature problem being reached through intra-industry agreement now than through court rulings on contract prohibitions.

Supreme Court to Act on Ascap Laws

(*Continued from page* 1)

grounds that the jurisdictional amount of $3,000 was not involved. In the Florida case, the high court denied a motion by the state's attorney to vacate a decree by the Federal district court for northern Florida and held that it had probable jurisdiction over the injunction suit brought by Ascap to restrain enforcement of the state law. The court also granted Ascap's petition for the substitution of the present Florida attorney general as a party to the case in place of the deceased official against whom the proceedings originally were directed.

The Washington case is of more importance in that it brings into question the validity of the state law against the music licensing society, whereas the issues in the Florida case are still of a preliminary and technical nature. In its appeal in the Washington case, Ascap replied to the lower court's jurisdiction citation by pointing out that the state law interfered with 528 contracts between the society and Washington users of its music, from whom it has received $60,000 a year.

Ascap argues the statute denies it the equal protection of the laws and deprives it of property without due process.

"Clown" Will Open Today

G. B's. "A Clown Must Laugh" will have its American premiere at the Little Carnegie Playhouse today.

High Court to Hear U.A. Tax Case Appeal

WASHINGTON, Oct. 10.—The U. S. Supreme Court held today that it had probable jurisdiction over the appeal of West Virginia authorities from an injunction granted by the lower court against enforcement of the state use tax law against United Artists.

United Artists sued to enjoin the state from collecting one per cent of the gross proceeds received from exhibition of its films in West Virginia, and the court issued the injunction on the ground that the company was not engaged in business in West Virginia, and that its activities constitute interstate commerce. The action was initiated by the company as a "test" case.

The state, in appealing, contends that the company is engaged in business in the state sufficiently to be subject to the tax, is not engaged in interstate commerce relative to local exhibition of its films in West Virginia, which is the sole activity sought to be taxed, and that the tax does not place an invalid burden upon interstate commerce, which is purely incidental to a local activity within the state.

Convention Opened By Michigan Allied

GRAND RAPIDS, MICH., Oct. 10.—Allied Theatre Owners of Michigan opened a three-day annual meeting here today, with about 150 members in attendance. Business sessions are scheduled for tomorrow and Wednesday. The Board of Directors met tonight.

The theatre men have a golf tournament scheduled for tomorrow morning, and a reception and screening in the evening, in addition to the business meetings.

Presiding is Ray Branch of Hastings, president, with Pearl M. Sprott, executive secretary from Detroit, in charge of registrations. The arrangements committee includes three Grand Rapids men, Allen Johnson, Walter Semeyn and Roy Taylor.

GB Firm Net £111,889

LONDON, Oct. 10.—A net profit of £111,889 is reported by Associated Provincial Picture Houses, a Gaumont British subsidiary, for the year ending May 31, 1938. A dividend payment for four per cent brings the year's total dividend to six per cent, leaving a balance of £90,511 carried into the next fiscal year.

Stevenson Off to Coast

T. Kennedy Stevenson, president of Erpi, left by train last night for the coast. The trip will be Mr. Stevenson's first visit to the company's west coast offices and the studios since his election to his present post early in September.

Monopoly, "Quiz" Iowa Allied Topics

DES MOINES, Oct. 10.—Hearty indorsement of the Federal anti-trust suit against motion picture monopoly and pledging full support thereof, and indorsement of the Neely Anti-Block Booking Bill unanimously pledging to support its enactment at next session of Congress was expressed in resolutions adopted at the annual meeting of the Allied Independent Theatre Owners of Iowa and Nebraska held here today at the Kirkwood Hotel.

Approximately 1,120 independent theatre men, film exchange managers, and others connected with the theatre industry were present for the noon luncheon that opened the session.

G. Ralph Branton, Iowa and Nebraska chairman for the "Movie Quiz," outlined the progress of the "quiz" in this territory. The assembly moved that Mr. Branton request the New York head of quiz to extend time for two months to allow theatres that receive later pictures to take part in the contest.

Leo F. Wolcott, president of the organization, visualized a world without war and an industry without abuses. He stressed the fact that theatres in the average town are 10 years ahead of other business in point of modern methods of merchandising.

Mr. Wolcott presided at the business meeting of the group following the luncheon. Nominating committees were appointed and the session adjourned until tomorrow.

Para. Publix Claim Expunged by Court

The claim of Orvis Mundi Realty Corp. for $57,706 against Paramount Publix Corp. was expunged yesterday by Federal Judge Alfred C. Coxe on application of Paramount Pictures, Inc., successor to Paramount Publix.

The order expunging the claim confirmed a recommendation to that effect made by Special Master John E. Joyce in a report filed Oct. 6. Paramount Pictures stated that Orvis Mundi, its subsidiary, had assigned a claim to Paramount Pictures Distributing Corp. as security for an indebtedness, and that subsequently the latter had merged with Paramount Pictures.

It's Heresy

Kansas City, Oct. 10.—Apostasy has been committed by Henry King, director of "Jesse James," scenes of which recently were filmed near here and at Pineville, Mo. King wrote a friend in Kansas City that California weather can't equal the weather he found in the Ozarks. He wrote that his company lost only one hour in six weeks because of bad weather while on location in Missouri.

Lawyers Study Compromise in Chicago Action

A settlement of the anti-trust suit brought against B. & K. and major distributors by Chicago independent exhibitors is in the hands of counsel for the defendants in that city, Paramount home office officials said yesterday.

Commenting on weekend reports that Austin C. Keough, vice-president and general counsel of Paramount, and Y. Frank Freeman, company theatre head, had discussed an out of court settlement of the case, the latter said that conferences had been held only with their own attorneys in Chicago, and that if settlement negotiations were initiated in the future it would be by the attorneys there.

Disney Making First Commercial Picture

HOLLYWOOD, Oct. 10.—Walt Disney is at work on his first commercial cartoon which he is making for National Biscuit Co. The film will be a one-reel short featuring the Disney characters and will be shown at the New York and San Francisco World Fairs exclusively.

The film will not be available for exhibition in theatres.

Los Angeles Papers OK Pact Giving Films Greater Space

LOS ANGELES, Oct. 10.—In the first move of the kind here publishers of Los Angeles newspapers have agreed to a number of concessions on film news in theatre sections. Film men pointed out that approximately 1,750,000 attend film theatres weekly in Los Angeles and vicinity while only 50,000 to 100,000 witness sports events weekly.

The theatre men were headed by Rodney Pantages. They have exacted promises of an appreciable increase in film news, and the stopping of subsidizing sports events, circuses and carnivals, unless for charity purposes. They will submit plans to the theatres, giving them a chance to clean up or eliminate burlesque ads. Theatre men pointed out that burlesque ads are overstepping the bounds of decency and film ads are kept clean.

Drama sections will henceforth be called theatre pages and will be standardized in position as much as possible. All publishers have agreed that the only passes to be given newspapers will be one pair for each paper for reviewing critics. Further meetings are scheduled between theatre men and publishers. Others are Ben Wallerstein of Warners, Jack Gross of RKO, Harry Wallin, Paramount, and Thornton Sargent, Fox West Coast. The papers affected are the *Examiner, Times, Daily News, Evening News and Herald-Express.*

British Drive To Boost B.O. Now Set to Go

By AUBREY FLANAGAN

LONDON, Oct. 10.—Simon Rowson, statistician and leading industry figure for many years, declared today that plans have matured to the point where the industry's patronage drive will be launched this week.

The drive is designed to reach the large potential audience in the country which does not now attend films with any degree of regularity, and in that respect, the drive may be likened to the Motion Pictures' Greatest Year campaign in the United States.

Rowson has sought the support for the drive of the Cinematograph Exhibitors Association and the Kinematograph Renters' Society (distributors) and claims the wholehearted backing of the majority of all exhibitors and distributors in the country. It is believed, however, that John Maxwell, head of Associated British and one of the most powerful of the nation's film leaders, will not subscribe to the plan.

It is intended to finance the drive by placing a stamp, probably of one shilling, on each distributor invoice to the exhibitor, each party to pay half the value of the stamp. Rowson contends that adequate financing will be forthcoming to pay for the launching of a nationwide campaign.

Alperson Is Made Grand National V-P

Edward L. Alperson, general sales manager of Grand National, was elected a vice-president of the company yesterday at a meeting of the company's board. The election completes the company's roster of officers, it was said.

Earle W. Hammons, president, will sail for England tomorrow on the *Normandie* to complete arrangements for the company's British distribution. He will be accompanied by Samuel Berkowitz, vice-president of Fine Arts Pictures, which releases through Grand National.

Blancke Files in Suit

Leo M. Blancke, through his attorney, Schwartz & Frohlich, yesterday filed notice of appearance in the Government anti-trust suit against the eight major companies. He requested that all the papers in the action be served on his attorneys.

Offer New Script Show

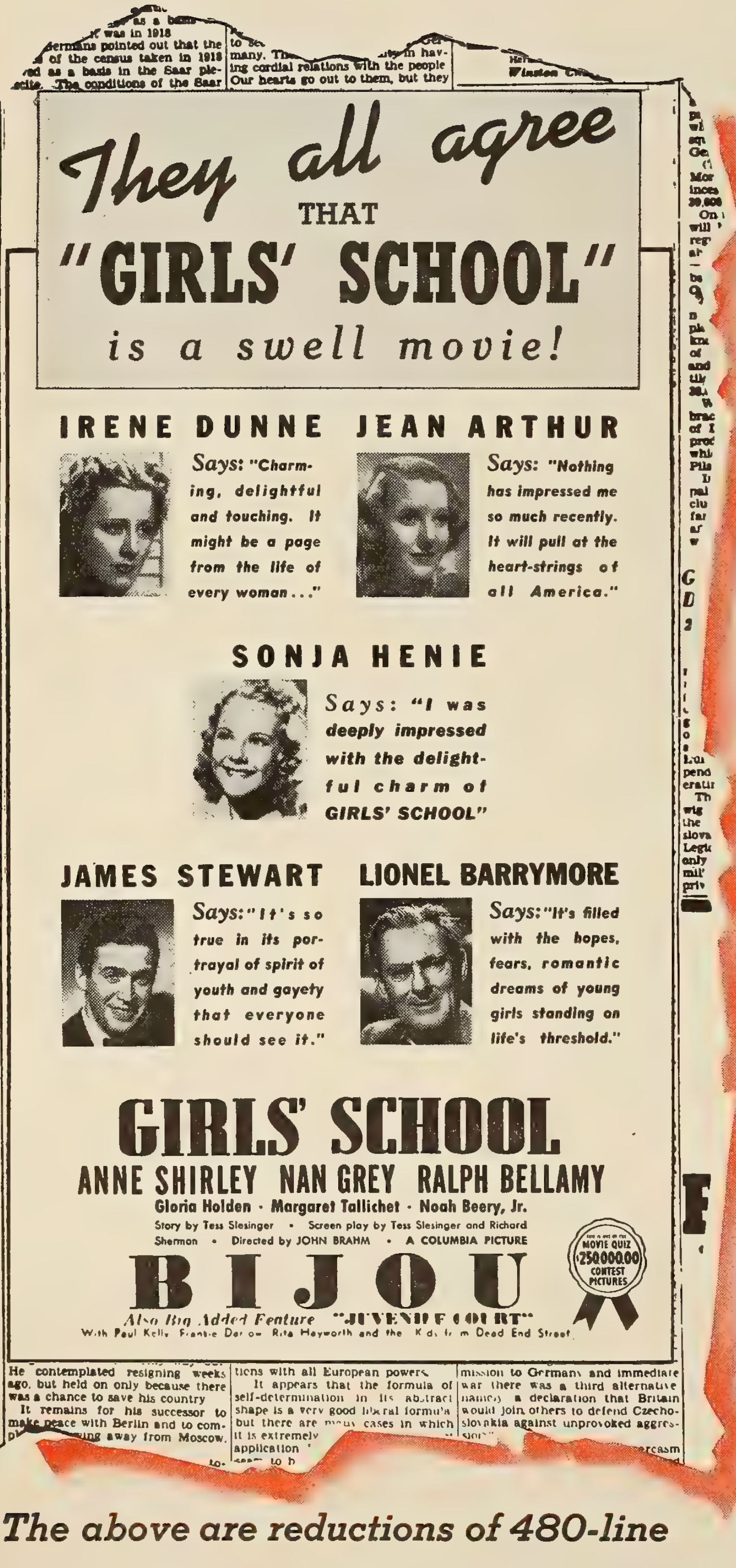
A new script show built around the exploits of Pancho Villa, Mexican bandit chief, with Leo Carrillo in the lead, is being offered here and in Hollywood for radio sponsorship.

Hays Directors to Meet

An adjourned meeting of the M. P. P. D. A. board of directors is scheduled to be held next Saturday morning to act on unfinished business from the last meeting.

. . TEST ENGAGEMENT

And here are the ads that did the job for Exhibitor Al Anders of the Bijou Theatre, Springfield, Mass. They'll do the same for you! Get behind this really swell picture!



They all agree THAT "GIRLS' SCHOOL" is a swell movie!

IRENE DUNNE Says: "Charming, delightful and touching. It might be a page from the life of every woman..."

JEAN ARTHUR Says: "Nothing has impressed me so much recently. It will pull at the heart-strings of all America."

SONJA HENIE Says: "I was deeply impressed with the delightful charm of GIRLS' SCHOOL"

JAMES STEWART Says: "It's so true in its portrayal of spirit of youth and gayety that everyone should see it."

LIONEL BARRYMORE Says: "It's filled with the hopes, fears, romantic dreams of young girls standing on life's threshold."

GIRLS' SCHOOL

ANNE SHIRLEY NAN GREY RALPH BELLAMY

Gloria Holden · Margaret Tallichet · Noah Beery, Jr.

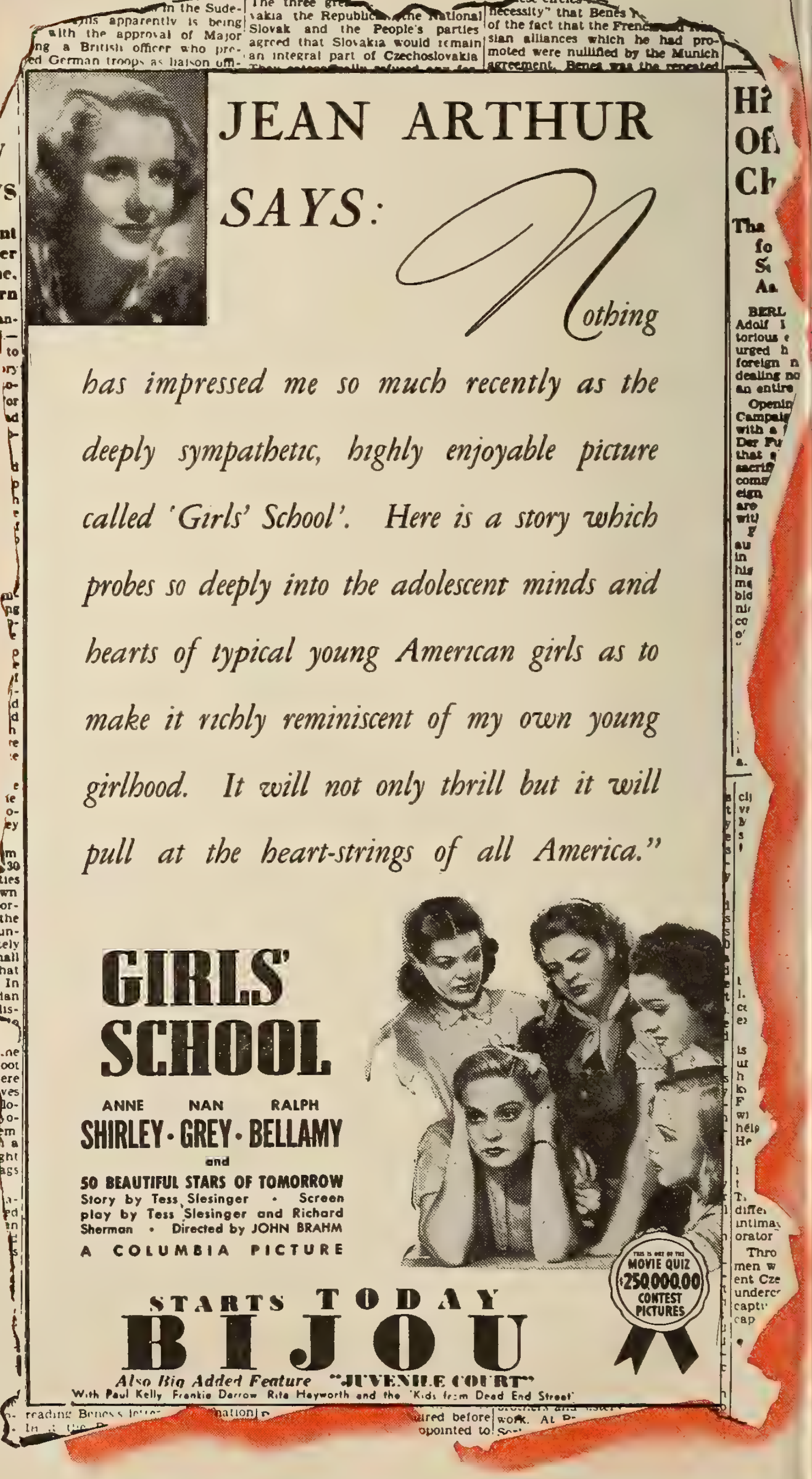
Story by Tess Slesinger • Screen play by Tess Slesinger and Richard Sherman • Directed by JOHN BRAHM • A COLUMBIA PICTURE

BIJOU

THIS IS ONE OF THE MOVIE QUIZ $250,000.00 CONTEST PICTURES

Also Big Added Feature "JUVENILE COURT"

With Paul Kelly Frankie Darrow Rita Hayworth and the Kids from Dead End Street



JEAN ARTHUR *SAYS:* "*Nothing has impressed me so much recently as the deeply sympathetic, highly enjoyable picture called 'Girls' School'. Here is a story which probes so deeply into the adolescent minds and hearts of typical young American girls as to make it richly reminiscent of my own young girlhood. It will not only thrill but it will pull at the heart-strings of all America.*"

GIRLS' SCHOOL

ANNE SHIRLEY · NAN GREY · RALPH BELLAMY

and

50 BEAUTIFUL STARS OF TOMORROW

Story by Tess Slesinger • Screen play by Tess Slesinger and Richard Sherman • Directed by JOHN BRAHM

A COLUMBIA PICTURE

STARTS TODAY

BIJOU

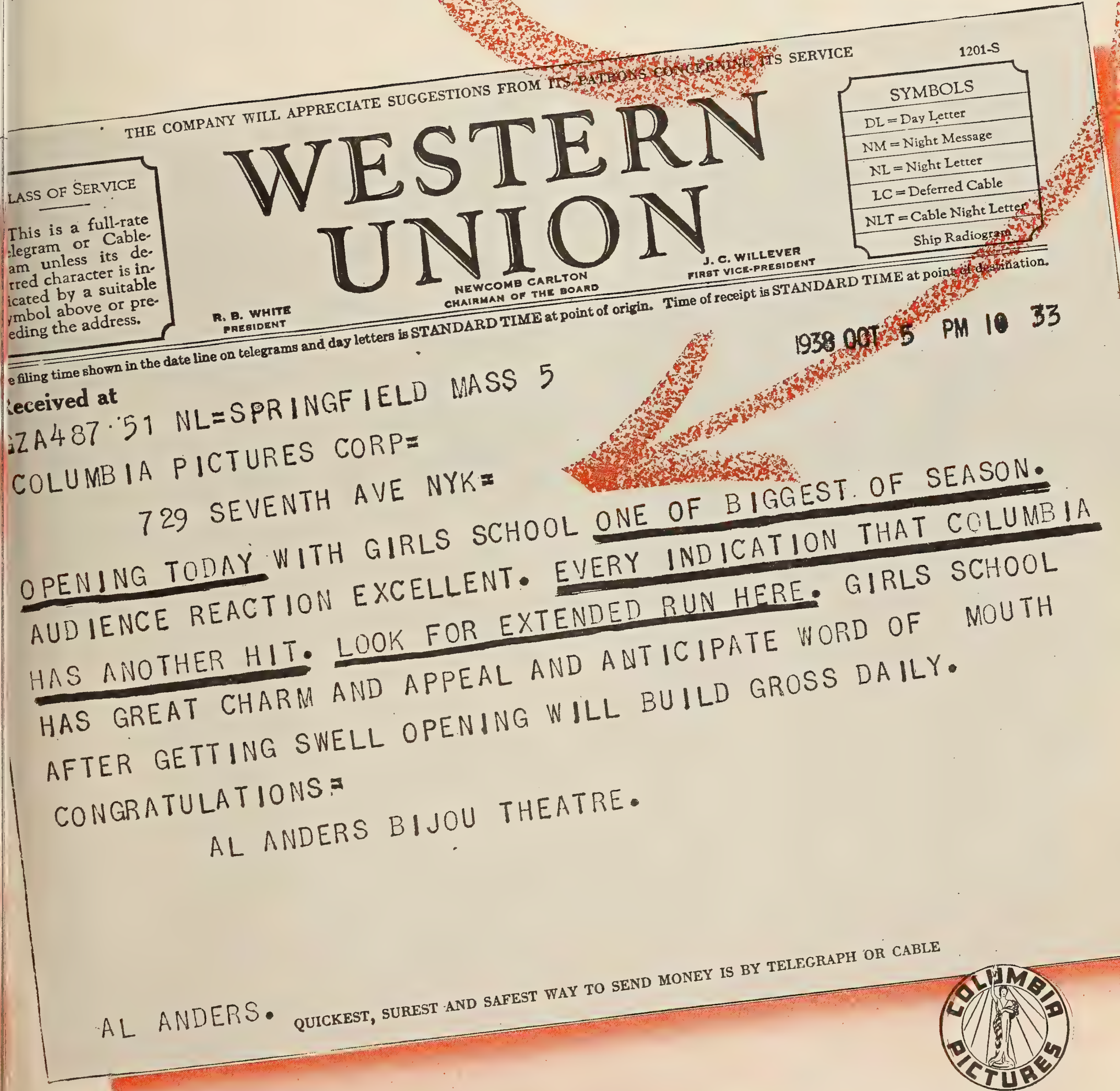
THIS IS ONE OF THE MOVIE QUIZ $250,000.00 CONTEST PICTURES

Also Big Added Feature "JUVENILE COURT"

With Paul Kelly Frankie Darrow Rita Hayworth and the 'Kids from Dead End Street'

The above are reductions of 480-line ads that ran in Springfield, Mass. Additional ads of the same general type are now in preparation. You'll get them with your pressbook.

DISCLOSES SMASH HIT!



THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE

1201-S

LASS OF SERVICE

This is a full-rate
elegram or Cable-
am unless its de-
rred character is in-
icated by a suitable
ymbol above or pre-
eding the address.

WESTERN UNION

R. B. WHITE
PRESIDENT

NEWCOMB CARLTON
CHAIRMAN OF THE BOARD

J. C. WILLEVER
FIRST VICE-PRESIDENT

SYMBOLS
DL = Day Letter
NM = Night Message
NL = Night Letter
LC = Deferred Cable
NLT = Cable Night Letter
Ship Radiogram

e filing time shown in the date line on telegrams and day letters is STANDARD TIME at point of origin. Time of receipt is STANDARD TIME at point of destination.

1938 OCT 5 PM 10 33

Received at

ZA487 ·51 NL=SPRINGFIELD MASS 5
COLUMBIA PICTURES CORP=
729 SEVENTH AVE NYK=

OPENING TODAY WITH GIRLS SCHOOL ONE OF BIGGEST OF SEASON. AUDIENCE REACTION EXCELLENT. EVERY INDICATION THAT COLUMBIA HAS ANOTHER HIT. LOOK FOR EXTENDED RUN HERE. GIRLS SCHOOL HAS GREAT CHARM AND APPEAL AND ANTICIPATE WORD OF MOUTH AFTER GETTING SWELL OPENING WILL BUILD GROSS DAILY.
CONGRATULATIONS=
AL ANDERS BIJOU THEATRE.

AL ANDERS.

QUICKEST, SUREST AND SAFEST WAY TO SEND MONEY IS BY TELEGRAPH OR CABLE

COLUMBIA PICTURES

Latest Short Subjects Are Reviewed

"The Animal Cracker Circus"

(Mintz-Columbia)

A full sized circus is staged by the animal crackers after a boy agrees to eat his spinach. A ringmaster introduces clowns, lions, bareback riders, trick horses and acrobats. This animation in Technicolor is ingeniously contrived and should be well received. Running time, 7 mins. "G."

"Styles and Smiles"

(Nu-Atlas-RKO)

A well balanced musical with four lively acts and a fur style show. Marion Daniels does a clever acrobatic dance. Virginia Verrill, who was heard last winter on the Columbia network with the Jack Haley program, and Charles King sing several excellent numbers. Harrison & Fischer, a dance team, also appear. The ladies will like the furs. Running time, 11 mins. "G."

"Sea Melody"

(RKO)

Ted Fio Rito takes his orchestra and Rita Oehman and Muzzy Marcellino on a tuneful coast-to-coast tour. At a farewell party for a friend they fall asleep aboard a boat and are carried out to sea where they are compelled to scrub decks for their passage. The story forms a weak background for some excellent music. Running time, 19 mins. "G."

"Sue My Lawyer"

(Columbia)

Harry Langdon turns lawyer in search of a job with the District Attorney's office for this one. He finds the evidence to convict a racketeer but decides to defend him. During the courtroom scene he shows his evidence to the judge and the gunman is convicted. Harry becomes a hero for producing the evidence which the D. A. was unable to find and gets the job. A number of humorous situations develop. Running time, 17 mins. "G."

"Fisherman's Paradise"

(RKO)

Marlin fishing off the Bahamas forms the background for this "Sportscope." The audience will get a genuine thrill when a blue marlin is landed after a gallant fight. The camera catches everything from the baiting of the hook until the fish is hauled on board and provides a camera record of "the one that got away." It is up to par. Running time, 9 mins. "G."

"Donald's Lucky Day"

(Disney-RKO)

Donald Duck is a good deal more understandable than commonly as the messenger boy commissioned to deliver an infernal machine before midnight of Friday, the 13th, and delayed in his errand by a black cat which wants to play. Few Disney subjects have been more deftly contrived as to story or more expertly developed and timed. It's easily the best Donald Duck in months. Running time, 8 mins. "G."

"The Immortal Brush"

(Warners)

This is an unusually interesting and unique type of subject, done in color. With interesting and informative commentary, it shows some of the world's most famous paintings, telling something of the history of each and the artist. Excellent, although perhaps with a limited appeal. Running time, 9 mins. "G."

"Toyland Casino"

(Warners)

An incredible amount of infantile talent has been gathered for this subject, in which a "night club" for youngsters is opened in a hotel. With a master of ceremonies, the children take their turns performing, some with amazing ability, others in mediocre fashion. Tap dancing appears the favorite maneuver. Running time, 22 mins. "G."

"How to Read"

(M-G-M)

Robert Benchley in one of his exceedingly clever demonstrations of how to do things. Setting lights, trying to read in bed when the bed lamp is in the wrong place, reading in a crowded train, all are done in the inimitable Benchley style, against his own amusing "explanations." Running time, 9 mins. "G."

"Community Sing No. 1"

(Columbia)

Five popular college songs start the third series of Columbia's "Community Sings." Pennsylvania, Stanford, Cornell, Washington and Lee and Notre Dame are represented. The last number is called "Bingo," a neutral college song and the audience is invited to fill in the name of its favorite alma mater. Gene Morgan is as persuasive as ever. Running time, 10½ mins. "G."

"The Ugly Duckling"

(Disney-RKO)

Every now and again the Disney artists set out to apply their technique respectfully and gently to a well loved subject and achieve, as here, something akin to perfection. This is a straight handling of the story named in the title, with only one brief and easily assimilable flight above juvenile comprehension. It's among the quieter and more delicately charming Disney creations. Running time, 9 mins. "G."

"Goofy and Wilbur"

(Disney-RKO)

Wilbur is a new addition to the Disney roster of entertainers, a grasshopper with lilt in his manner and music in his hind legs. In this introductory adventure he lures a fine catch of foolhardy fish into Goofy's net and then gets swallowed by a frog which is in turn swallowed by a stork. Goofy gives pursuit and, driving the bird from its nest, finds therein an egg from which Wilbur emerges unharmed. It's a good start of what is likely to become a long screen life for Wilbur. Running time, 8 mins. "G."

"The Newcomer"

(Terry-Toon-20th-Fox)

Paul Terry has made clever use of the interest in baby pandas by introducing one into a cartoon zoo where his antics on a rubber ball and juggling with them stir the jealousy of the seals and a lion. The lion breaks out of the cage, the panda flees to the seals and finally is rescued by a kangaroo. It's fine kid stuff. Running time, 7 mins.

"The Farmyard Symphony"

(Disney-RKO)

Music of symphonic patterning and classical origin accompanies this amusing record of what goes on in the barnyard when dawn breaks and breakfast starts. Hero and heroine of the piece are a rooster and a hen which wind up singing a duet while their yardmates join in. The feathered romance is handled in a manner to make its connotations clear enough to adults without disturbing the kiddies and the music is especially well executed. Running time, 8 mins. "G."

"Football Giants"

(Columbia)

This timely reel shows the New York Giants preparing for a tough schedule of professional football. Line play, forward passes, punts and field runs are explained with lots of "inside dope." This should be very popular during the fall football season. Running time, 10½ mins. "G."

"Porky's Naughty Nephew"

(Warners)

A "Looney Tune" cartoon, this is amusing material, showing the problem Proky has at the beach with his nephew, who conceals a devilish knack of annoyance in his cherubic makeup. Running time, 7 mins. "G."

"Deep End"

(RKO)

This is a stunningly photographed expositon of diving form as practised by a number of Olympic contestants. There is appropriate running comment explaining each of the dives. For the audience that goes in heavily for this sort of thing it should be a must. Otherwise, it is unrelieved amateur sporting endeavor. Running time, 10 mins. "G."

"Ferdinand the Bull"

(Disney-RKO)

This is an adroit and novel presentation of "The Story of Ferdinand," by Munro Leaf and Robert Lawson, the first outside work ever purchased by Walt Disney for a short subject. It is the story of a bull which doesn't choose to fight. As presented in the Disney medium it is a bland little account of how one bull in a pasture full of them prefers lying under a tree to battling a matador. An off-screen narrator is employed effectively for this subject, although the characters also talk, and a thoroughly diverting result is obtained. Running time, 8 mins. "G."

"Mother Goose Goes Hollywood"

(Disney-RKO)

This rollicking ramble through a volume of Mother Goose with headl[illegible] cinema stars seen, and kidded plenty, as the story book characters, is dated for release Christmas Day and assures as many showmen as can get prints of it a happily satisfied holiday audience. It is a wholly good-humored short subject and immensely entertaining. Running time, 7½ mins. "G."

"China Today"

(Warners)

One of the interesting E. M. Newman travel subjects in color, this concentrates on the ports of Hong Kong and Macao, the latter the oldest European settlement in the Far East, and under Portuguese rule. The subject is pictorially effective and of especial interest in view of the Japanese invasions of the country. Running time, 11 mins. "G."

"What Every Girl Should Know"

(20th Century-Fox)

This is the first of Lew Lehr's new series and it shows him teaching a kindergarten of grown girls. The instruction includes calisthentics, beauty treatments, etc. These are interspersed with blackboard flashbacks of beach tobogganning and other shots. Lehr carries on a funny monologue throughout as he stands behind the teacher's desk. His fans ought to go for it in a big way. Running time, 10 mins.

"The Glass Slipper"

(Terry-Toon-20th-Fox)

This is a modernized Technicolor cartoon version of the Cinderella story in which the cartoon impersonation of the fairy godmother is Mae West and the fairy prince is Harpo Marx. It's a kid subject evidently treated to amuse grownups as well. Running time, 7 mins.

"Isle of Pleasure"

(20th Century-Fox)

This is one of the Magic Carpet of Movietone series—and a good one. Lowell Thomas furnishes the narration as the roving camera assembles a beautiful collection of shots showing Havana from the air, from vantage points in its narrow streets, near its public buildings and monuments, at Moro Castle, in the tobacco and sugar cane fields outside the city and finally at the gay Sloppy Joe's. Lew Lehr did the editing. A very high class travelogue. Running time, 11 mins.

'They're Always Caught'

(M-G-M)

One of the "Crime Does Not Pay" series, this subject recounts, with a maximum of dramatic power, chiefly by reason of splendid performances and fine production values, the manner in which the scientists of the police department apprehended the murderer of a mayor who thought his crime was detection-proof. An excellent subject. Running time, 22 mins. "G."

Little fellow with big ideas!

You'd think a feature was going into production when we plan a short subject at M-G-M! We give them feature attention for this reason. Year after year we're building for our accounts a reputation for the most intelligent and entertaining shorts. This market has become increasingly important with increased public support of good shorts, and M-G-M has won leadership of the field. It hasn't been easy and it wasn't always profitable. Now it is obvious to all theatre operators that M-G-M Shorts bring in additional business and help to make the whole show more enjoyable. Subjects like CRIME DOESN'T PAY; PETE SMITH; ROBERT BENCHLEY; CAREY WILSON; FITZPATRICK TRAVELTALKS; NEWS OF THE DAY; PASSING PARADE; MINIATURES; MUSICALS, etc. They are the best you can get to make your house a better and more profitable show-shop.

Hot Box-Office!

PETE SMITH'S
"FOOTBALL THRILLS"
•
ROBERT BENCHLEY'S
"HOW TO WATCH FOOTBALL"
•
PETE SMITH'S
"GRID RULES"

Soon! *Another Prudence Penny Technicolor hit, Pete Smith's "Penny's Picnic." Also the first of Radio Star John Nesbitt's "Passing Parade," a new idea. And "Nostradamus," another brilliant Carey Wilson subject.*

"Boys Town" Denver Smash At $15,000

DENVER, Oct. 10. — "Boys Town," combined with "Rich Man—Poor Girl," was the standout attraction at the Orpheum, breaking the double bill record at the house. It did $15,000 against a par of $7,500 and is being held.

"Valley of the Giants" at the Denver and "Four Daughters" at the Aladdin went substantially over average, all houses being aided by fine weather.

Estimated takings for the week ending Oct. 5:

"Four Daughters" (F. N.)
ALADDIN—(1,400), 25c-40c, 7 days. After a week at the Denver. Gross: $4,000. (Average, $3,500)

"Breaking the Ice" (RKO)
"The Affairs of Annabel" (RKO)
BROADWAY—(1,100), 25c-40c, 3 days, both after a week at the Orpheum. Gross: $1,000. (Average, $2,500)

"The Great Ziegfeld" (M-G-M)
BROADWAY—(1,100), 25c-40c, 4 days. Gross: $1,500. (Average for week, $2,500)

"Touchdown Army" (Para.)
DENHAM—(1,750), 25c-35c-40c, 7 days. Gross: $5,500. (Average, $5,500)

"Valley of the Giants" (W. B.)
DENVER—(2,525), 25c-35c-50c, 7 days and stage show. Gross: $9,500. (Average, $8,500)

"Boys Town" (M-G-M)
"Rich Man—Poor Girl" (M-G-M)
ORPHEUM—(2,600), 25c-35c-40c, 7 days. Gross: $15,000. (Average, $7,500)

"Army Girl" (Republic)
"Safety in Numbers" (20th-Fox)
PARAMOUNT—(2,200), 25c-40c, 7 days. Gross: $3,000. (Average, $3,500)

"Frankenstein" (Univ.)
"Dracula" (Univ.)
RIALTO—(878), 25c, 7 days, 2nd week. Gross: $2,500. (Average, $2,500)

"Boys Town" Top Cincinnati Draw

CINCINNATI, Oct. 10. — The big money last week went to "Boys Town," which gave the RKO Albee a smash $19,500, compared with a $12,000 average. It was moved to the RKO Capitol.

"You Can't Take It With You" was $3,000 up on the $12,000 par at the RKO Shubert, where it is set in for an indefinite run. "Four Daughters" continued to demonstrate its drawing power with $3,000 on its third downtown week at the RKO Grand, where average is $2,750.

Estimated takings for the week ending Oct. 6:

"Boys Town" (M-G-M)
RKO ALBEE—(3,300) (35c-42c) 7 days. Gross: $19,500. (Average, $12,000)

"Hold That Co-ed" (20th-Fox)
RKO PALACE—(2,700) (35c-42c) 6 days and pulled. Gross: $6,300. (Average, 7 days, $10,000)

"You Can't Take It With You" (Col.)
RKO SHUBERT—(2,150) (35c-40c-55c) 7 days. Gross: $15,000. (Average, $12,000)

"Too Hot to Handle" (M-G-M)
RKO CAPITOL—(2,000) (35c-42c) 7 days, 2nd downtown week. Gross: $6,200. (Average, $6,500)

"Breaking the Ice" (Radio)
RKO LYRIC—(1,400) (35c-42c) 7 days. Gross: $3,500. (Average, $6,500)

"Four Daughters" (F. N.)
RKO GRAND—(1,200) (25c-40c) 7 days, 3rd downtown week. Gross: $3,100. (Average, $2,750)

"Juvenile Court" (Col.) (2 days)
"The Marines Are Here" (M-G-M) (2 days)
"Convicted" (Col.) (3 days)
RKO FAMILY—(1,000) (15c-25c). Gross: $2,150. (Average, $2,450)

"Sing, You Sinners" (Para.)
KEITH'S—(1,500) (30c-40c) 7 days. 2nd downtown week. **Gross:** $4,300. (Average, $6,500)

Overseas Preview

"I've Got a Horse"

(British Lion)

LONDON, Oct. 10.—Modest as is this upsophisticated but very spirited British comedy, it is an exemplary effort in the art of direct popular appeal. With a comedian—Sandy Powell—who has a wide following on stage, radio and screen, and a reliance on wholesome and elementary fun, it has more laughs than many more ambitious comedies and a great deal more entertainment than the majority of its opulent and high sounding contemporaries.

Powell is a Yorkshire comedian with an expansive smile, a pair of beaming spectacles, and a homely manner, and this unrestrained comedy romp which takes him through an adventure as a bookmaker who acquires a racehorse, but loses the race because unwittingly he has employed a trainer of circus horses, is rich with humor. Simplicity and freedom from sophistication are the film's strongest box-office assets.

Herbert Smith's zealous and inventive direction, polished technical qualities and an enthusiastic cast add to the commercial merits of an honest and unpretentious British production which has points of appeal to a somewhat wider field.

Running time, 66 minutes. "G." AUBREY FLANAGAN

"Place, Show" Tops Detroit, $24,000

DETROIT, Oct. 10.—"Straight, Place and Show" with Hugh Herbert heading a stage show gave the Fox $24,000. This was $4,000 over par.

"Boys Town" took a nice $7,300 in its second week, while "The Texans" and "Campus Confessions" helped the Michigan to $10,000.

Estimated takings for the week ending Sept. 29:

"Reformatory" (Col.)
"Keep Smiling" (20th-Fox)
ADAMS—(1,700) (10c-40c) 7 days. Gross: $4,000. (Average, $5,000)

"Straight, Place and Show" (20th-Fox)
FOX—(5,000) (15c-65c) 7 days. Stage: Hugh Herbert, Condos Brothers, Senor Wences, Lafayette & Laverne and Cass Daley. Gross: $24,000. (Average, $20,000)

"The Texans" (Para.)
"Campus Confessions" (Para.)
MICHIGAN — (4,000) (15c-65c) 7 days. Gross: $10,000. (Average, $15,000)

"Blockheads" (M-G-M)
"Ambulance Chaser" (M-G-M)
PALMS-STATE—(3,000) (10c-50c) 7 days. Gross: $5,000. (Average, $5,000)

"Boys Town" (M-G-M)
UNITED ARTISTS—(2,000) (15c-50c) 7 days, 2nd week. Gross: $7,300. (Average, $8,000)

Transfer Griffith Men

OKLAHOMA CITY, Oct. 10. — The Griffith circuit has made a number of changes in managers and assistant managers.

Coy McCullough, assistant at Duncan, Okla., has been promoted to manager at Duncan; J. C. Cooley, formerly assistant at Lubbock, Tex., has been named manager at Elk City, Okla.; Turner Morrisett, manager at Hominy, Okla., has been transferred to Claremore; Fred Jackson, manager at Claremore, has been placed in charge of theatres at Seminole, Okla.; John Wisdom, manager at Elk City, has been transferred to Holdenville, Okla., as manager.

David Dallas, manager of Holdenville theatres, has resigned to join the Katz Screen Advertising Service at Dallas. T. H. Wilson, administrator for the estate of Charles Blaine, former Griffith partner in Henryetta, has resigned and has been succeeded by Dick Klein, formerly Seminole manager.

"Too Hot" Grosses $16,300, Buffalo

BUFFALO, Oct. 10."Too Hot to Handle" was the hottest draw along the local rialto. It rang up $16,300 on the cash register, $4,300 over the line, and was given a second week at the Hippodrome.

A Lafayette dual, "When G-Men Step In" and "The Gladiators," clicked for $6,800, which was $500 better than par. Showmen caught plenty of competition as the International League baseball playoffs finished here and a professional football game in the new Civic Stadium brought out a crowd of 20,000.

Estimated takings for the week ending Oct. 1:

"Too Hot to Handle" (M-G-M)
BUFFALO—(3,000) (30c-55c) 7 days. Gross: $16,300. (Average, $12,000)

"Marie Antoinette" (M-G-M)
GREAT LAKES—(3,000) (30c-50c) 7 days, 2nd week. Gross: $6,700. (Average, $7,500)

"Hold That Co-Ed" (20th-Fox)
"The Mysterious Mr. Moto" (20th-Fox)
HIPPODROME—(2,500) (25c-40c) 7 days. Gross: $6,300. (Average, $6,800)

"Spawn of the North" (Para.)
CENTURY—(3,000) (25c) 9 days. (Rerun). Gross: $7,100. (Average, $6,000)

"When G-Men Step In" (Col.)
"The Gladiator" (Col.)
LAFAYETTE—(3,300) (25c) 7 days. Gross: $6,800. (Average, $6,300)

K.C. to Get Twin Runs

KANSAS CITY, Oct. 10.—Fox Midwest Theatres, Inc., has introduced a new policy in connection with two of its first runs, the Uptown and the Esquire. The two houses will play the same first run picture simultaneously. The Esquire has dropped its 55-cent price for reserved seats, going to 25c-40c, with balcony at 25 cents.

Cooper Shifts Turgeon

DENVER, Oct. 10.—Bert Turgeon, booker for Cooper Enterprises, has been transferred to the Cooper headquarters in Oklahoma City. Frank Roberts, purchasing agent, is adding the booker job to his other duties.

Don Martin in New Spot

BOSTON, Oct. 10.—Don Martin has resigned as manager of the Casino. He is now assistant manager at the Columbia.

"Daughters," Morris Strong In Washington

WASHINGTON, Oct. 10. — "Four Daughters" at Warners' Earle did [illegible] best business locally, grossing $21,000. Wayne Morris was on stage.

"Room Service" returned a nice $12,000, $2,000 over par, at RKO-Keith's. In its fourth week in Washington, "Alexander's Ragtime Band" drew $4,800, $600 above average.

Estimated takings, exclusive of tax, for the week ending Sept. 29:

"My Lucky Star" (20th-Fox)
LOEW'S CAPITOL—(3,434) (25c-66c) 7 days. Stage: Stan Kavanagh, Chester Hale Girls. Gross: $14,000. (Average, $16,500)

"Marie Antoinette" (M-G-M)
LOEW'S PALACE — (2,370) (25c-55c) 7 days, 3rd week. Gross: $8,500. (Average, $11,000)

"Four Daughters" (W.B.)
WARNERS' EARLE—(2,218) (25c-66c) 7 days. Stage: Wayne Morris, Johnny Davis. Gross: $21,000. (Average, $16,000)

"Room Service" (RKO)
RKO-KEITH'S—(1,836) (25c-55c) 7 days. Gross: $12,000. (Average, $10,000)

"Alexander's Ragtime Band" (20th-Fox)
LOEW'S COLUMBIA—(1,243) (25c-40c) 7 days, 4th week. Gross: $4,800. (Average, $4,200)

"Secrets of an Actress" (W.B.)
WARNERS' METROPOLITAN—(1,591) (25c-40c) 7 days. Gross: $4,700. (Average, $4,000)

"Antoinette" Out Front at Montreal

MONTREAL, Oct. 10. — "Marie Antoinette" absorbed much of the first-run spotlight at the Palace with a gross of $14,000, as compared with $11,000 average the slightly higher scale of admission prices having something to do with the big take. It was held for a second week.

"Affairs of Annabel" gave Loew's a good start under the new combination policy with eight acts of vaudeville, grossing $13,500, compared with $8,000 average. "Four Daughters," on a double bill, brought $10,000 to the Capitol.

Estimated takings for the week ending Oct. 1:

"Four Daughters" (F. N.)
"The Kid Comes Back" (Republic)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: $10,000. (Average, $9,500)

"Affairs of Annabel" (RKO)
LOEW'S—(3,115) (25c-40c-50c) 7 days. Stage: Eight vaudeville acts. Gross: $13,500. (Average, $8,000)

"Smashing the Rackets" (RKO)
ORPHEUM—(919) (25c-35c-50c) 7 days. Gross: $3,500. (Average, $5,000)

"Marie Antoinette" (M-G-M)
PALACE—(2,600) (25c-40c-55c-65c) 7 days. Gross: $14,000. (Average, $11,000) Held over.

"Gateway" (20th-Fox)
"Safety in Numbers" (20th-Fox)
PRINCESS — (2,272) (25c-35c-50c-65c) 7 days. Gross: $6,500. (Average, $7,000)

Northwest Tests Shows

SEATTLE, Oct. 10.—For the first time in more than a year, Hamrick-Evergreen Theatres, Inc., are booking stage shows into their Seattle and Portland houses. Through a deal with Joe Daniels Booking Office, the Paramount theatres here and in Portland will offer a limited number of California-built units, to test their box-office power. "Jittering Jamboree" will be the first unit.

ANNOUNCEMENT

GRAND

Your copy of our 1938-1939 Announcement Booklet is in the mail. Our sales representatives are now in the field and will call on you shortly.

NATIONAL

Our first four feature releases of the new season are already completed. Ask your branch manager to screen them for you.

PICTURES

INCORPORATED

E. W. Hammons
PRESIDENT

A FEATURE PICTURE A WEEK · · · EVERY WEEK

STARTING OCTOBER 14

What Key City Critics Say . . .

Following are excerpts from the reviews of current pictures from the critics of leading key city papers.

"Boys Town"

Los Angeles Examiner—Will do more for humanity than 100 reform speeches. . . . Everyone should see "Boys Town."

Los Angeles Times—So inspirational . . . that it practically defies criticism. . . . It will enjoy an exceptional audience.

Los Angeles Herald-Express—Splendid. . . . One of the most touching productions seen in many a moon. A "must see."

Hollywood Citizen—Solid drama in a class of its own.

"Room Service"

Chicago Tribune—Laughter aplenty for the audience. . . . Excellent supporting cast.

Los Angeles Examiner—Sure-fire for laughs. . . . A definite RKO success.

Hollywood Citizen News—Elicited many laughs.

"King of Alcatraz"

Hollywood Citizen News—A tidy little bundle of entertainment. . . . Packs a punch.

"Carefree"

Philadelphia Public Ledger—We were enormously entertained.

Philadelphia Inquirer—The screen's most popular dancing partners romp with their usual zest through "Carefree."

Philadelphia Record—Fred Astaire and Ginger Rogers together again . . . enough to recommend the film.

Philadelphia Daily News—A major event on any screen.

Los Angeles Daily News—An occasion for rejoicing. . . . Many happy moments in the film.

Los Angeles Evening News—Moves fast. . . . Is recommended.

Los Angeles Evening Herald—For sheer entertainment . . . the answer is box-office anyway you look at it.

Los Angeles Examiner—A sure cure for the blues . . . proof that movies are your best entertainment.

"If I Were King"

Los Angeles Examiner—One of the best adventure stories that has been released by any studio in a long time.

Warner Men Transferred

Wilmington, Oct. 10. — A. J. Vanni, Warner Theatres zone manager has shifted several managers. Arthur Cohn, manager of the Queen, has been transferred to the Roosevelt, Philadelphia. He is succeeded by Richard V. Kirsh, former manager of the Palace, Philadelphia. C. Leonard Howard, assistant at the Queen, has been appointed assistant at the new Warner which will open in December. Lewis S. Black, manager of the Aldine, has been appointed manager of the Warner.

Universal Signs Sullivan

Hollywood, Oct. 10.—Wallace Sullivan has been signed by Universal to write an original, untitled story.

Hollywood Preview

"Five of a Kind"

(20th Century-Fox)

Hollywood, Oct. 10.—There can't be much doubt about how many people want to see what the Dionne quintuplets are like, now that they're four years old, and "Five of a Kind" shows a great deal of the five of a kind, singing, playing the piano, opening gifts, pretending to broadcast over an international hookup and, in short, being themselves. That is what "Five of a Kind" is for and that is quite manifestly the way to sell it.

Principally concerned in the picture, otherwise, are Jean Hersholt in his approximation of Dr. Dafoe, Slim Summerville as the small town constable, John Qualen as the babies' father, Claire Trevor as a girl reporter who turns broadcaster and Cesar Romero as her competitor on the air and companion in the final clinch. The romantic side of the thing is formal.

The original screenplay by Lou Breslow and John Patrick would be an incredible story if anything fictional could seem as incredible as the Dionnes. It sends the rival broadcasters to Canada, sets them against each other in catch-as-catch-can competition, brings them back to New York, where they finally get together in behalf of a project to bring the quintuplets to that city for a charity appearance in behalf of a worthy orphanage. They're not allowed to come, so television brings them on in time to save the box-office proceeds for charity.

Herbert I. Leeds' direction maintains headway by the simple, wise expedient of stopping the story dead still every now and then to give the screen over to the quintuplets. It runs along smoothly in between these stretches and contains a number of very funny bits.

Running time, 82 minutes. "G." Roscoe Williams

New York Preview

"The Lady Vanishes"

(G. B.)

Alfred Hitchcock has contributed much of his directorial cleverness to this English film version of "The Wheel Spins," novel of international intrigue by Ethel Lina White, and the result is suspense-laden entertainment. However, on occasion it veers so sharply in the comedy direction that an audience may think itself watching a travesty on a spy drama.

The cast is not too well known among American audiences, but Dame May Whitty certainly is, and perhaps Margaret Lockwood. Paul Lukas is familiar. A newcomer, Michael Redgrave, is capable and personable in the masculine lead.

The screenplay by Sidney Gilliatt and Frank Launder contrives to capture the maximum of suspense effect, as a train speeding across Europe toward England carries a trainful of excitement and near murder and a clever handful of laughs. The dialogue very often sparkles, and, amazingly enough, some of the lines carry so closely to the current situation relative to England's Cabinet and its recent decisions that they are sure to draw spontaneous audience reaction. Naughton Wayne and Basil Radford, as a pair of Englishmen more interested in getting to England in time for the big cricket match than anything else, are especially amusing.

The exhibitor need not hesitate to sell the film to his audiences on the basis of good, fast moving entertainment, with production values on the plus side and a series of chuckles along the way.

Running time, 91 minutes. "G." Charles S. Aaronson

Will Remodel Aldine

Pittsburgh, Oct. 10.—The Harris Amusement Co. will spend more than $100,000 remodeling the old Aldine, which has been taken on a long term lease. It will be renamed the Senator and is to open about the middle of November.

Dollison Opening House

Omaha, Oct. 10.—Lester Dollison former Texas independent circuit operator, will open the 350-seat Nebraska here shortly. He remodeled M. Sigal's Time Theatre, dark for over a year.

Rosener Takes Theatre

San Francisco, Oct. 10.—Herbert Rosener, operator of the Clay, showing foreign films exclusively, has taken over the Larkin here as additional outlet for foreign pictures. Mr. Rosener also operates theatres in Hollywood, Los Angeles, Portland and Seattle.

Tony Ryan to Universal

Albany, Oct. 10.—Tony Ryan, former Monogram manager here, is now selling for Universal, succeeding Irving Mendelson, who has gone to New York.

Variety Club

Kansas City

Kansas City, Oct. 10.—Earl Jamesson again heads the annual Variety Club-Film Row charity ball, which will be held Nov. 25 at Pla-Mor. Co-chairmen of the general committee in charge are Finton Jones and Norris B. Cresswell.

Other committees and perso[illegible] are: Entertainment, Harry M[illegible] Clure, Stanley Chambers, George Baker, Senn Lawler and Bernard Joffee; program, Jones, Baker, Cresswell; ticket sale team captains (each captain has 10 members of Variety on the team), George Harttmann, T. R. Thompson, Robert F. Withers, Sam Abend, Arthur Cole, Douglas Desch, E. C. Rhoden, Fred Bredehoft, Frank Hensler, C. E. Gregory; reservations, Frank Hensler; publicity, Senn Lawler, W. P. Bennfield, W. B. Formby, Landon Laird and Lowell Lawrance.

More than 75 attended the annual golf tournament at Old Mission. Leon Abraham won first prize with a low net of 74.

Detroit

Detroit, Oct. 10.—The local Variety Club lunch today heard Professor Robert W. Keko, director of the Institute of Public and Social Administration of the University of Michigan.

The luncheon was deisgnated as Monogram Day, in honor of the visit here from New York of George W. Weeks, general sales manager, and the attendance of local Monogram executives. Mayor Richard W. Reading was present as a special guest.

Columbus

Columbus, Oct. 10.—There was a big turnout of members in honor of John Hardgrove, assistant manager of Loew's, who was one of the prize winners in Paramount's national exploitation contest.

Regular Sunday evening dinners are now being served at the clubrooms.

Sparks House Ready Soon

Jacksonville, Oct. 10.—The Matanzas Theatre at St. Augustine, newest outlet in the E. J. Sparks chain, will be completed and ready for opening about Thanksgiving Day, Guy A. Kenimer, district manager, says. The theatre, Spanish in design and decoration in keeping with the St. Augustine reclamation program, is being constructed at a cost of about $120,000. It will seat about 1,250.

Poster Firm May Build

Cincinnati, Oct. 10.—Plans are being considered by the Theatre Poster Supply Co. for the erection of a three-story building adjacent to the present quarters on Central Parkway, according to William Bien, president.

The building also would house Trailer-Made Service, recently organized bv Bien and Ralph Kinsler, local Grand National manager.

Barrymore Replaced

Hollywood, Oct. 10.—Because of Lionel Barrymore's slow recovery from an illness his role in Dickens' "Christmas Carol" will be taken by Reginald Owen at M-G-M.

Production Falls; 33 Before Cameras

HOLLYWOOD, Oct. 10.—Production this week dropped to 33 pictures before the cameras, six less than last week's total, as 11 finished and five started. Thirty-six are being prepared, and 70 are being edited.

Started were: "Stand Up and [illegible]ght" and "A Christmas Carol," M-G-M, and "Thanks for Everything," "A Bundle of Joy," and "The Three Musketeers," 20th Century-Fox.

In addition to these, shooting were: "Blondie" and and "There's That Woman Again," Columbia; "Dramatic School," "Out West with the Hardys," "Ice Follies" and "Spring Dance," M-G-M; "Say It in French," "Tom Sawyer, Detective," "King of Chinatown" and "Ambush," Paramount; "Gunga Din" and "Trailer Romance," RKO; "Hawk of the Wilderness," Republic; "Topper Takes a Trip," Roach; "Made for Each Other," Selznick International; "Jesse James," "Kentucky," "Samson and the Ladies," "Tailspin," "The Little Princess," 20th Century-Fox; "Buck Rogers," "West Side Miracle," "Little Tough Guys in Society" and "The Eagle Scout," Universal; "They Made Me a Criminal," "Unifit to Print," "Crime Is a Racket" and "Secret Service in the Air," Warners.

Those finished: "Revolt in the Sahara," Columbia; "The Shining Hour," M-G-M; "Little Orphan Annie" and "Riders of the Range," Paramount; "Law West of Tombstone" and "Lawless Valley," RKO; "Storm Over Bengal," "Rodeo Busters," Republic; "Up the River," 20th Century-Fox; "Adam's Evening," Universal, and "Trade Winds," Wanger.

Five shorts finished shooting, four at M-G-M and one at Warners, for the only activity in this department. M-G-M is preparing three, 11 are in the cutting rooms.

Governor Will Issue Rogers Proclamation

OKLAHOMA CITY, Oct. 10.—Governor Marland will issue a proclamation for all Oklahomans to aid in the dedication of the Will Rogers memorial at Claremore Nov. 4. He will send about 5,000 invitations to governors and notables in other states, but no invitations will go to persons in Oklahoma.

Vice-President Garner and Jesse Jones, chairman of the Reconstruction Finance Corp., have been invited to speak at the dedication. Arrangements are being made for NBC coverage of the ceremonies. Brief talks by remote control may be made by President Roosevelt, Eddie Cantor, George M. Cohan and Fred Stone.

Members of the memorial commission include: Gen. Roy Hoffman, Oklahoma City, chairman; Denver Davison, Ada, justice of the State Supreme Court; Walter M. Harrison, Oklahoma City, and Homer E. Chandler.

Girl Born to Smiths

ELLSWORTH, Me., Oct. 10.—Clifford Smith of the Graphic Circuit recently became the father of a girl, Jane Marie.

New York Preview

"Dark Rapture"

(Universal)

This pictorial record of the Armand Denis-Leila Roosevelt expedition into the Belgian Congo, with the blessing of the Belgian Government, is an engrossing film, occasionally amusing, often exciting and spirited, and always extremely interesting.

In many ways it is superior to others of like character which have appeared in the past. Chiefly responsible for that appears the concentration on people rather than on the movement of herds of wild animals. Coupled with occasional magnificent scenic effects are these pictorial records of two groups of people which strikingly are part of the Belgian Congo, the pygmies of one area and the seven-foot tribe of giants in another. Leroy G. Phelps was associate producer.

There is an interesting item of debunking in the film, wherein the pygmies are shown to be docile and friendly, rather than hostile and fierce. The picture moves rapidly, the interest is never allowed to flag. Episode follows episode in logical and lively sequence, the early stages of the motor trip, down through the Sahara and into the Congo, the lives of the pygmies and the manner in which they fall upon an elephant carcass, the miraculous skill of the vine-bridge construction of the little people, the giants, found after a trip through a volcanic region, the exciting drama of an elephant hunt, and the escape from a roaring fire which sweeps the dry country.

Running time, 81 minutes. "G."

CHARLES S. AARONSON

Walker to Speak At Golden Dinner

Former Mayor James J. Walker will be one of the principal speakers at the Edward A. Golden testimonial dinner at Minneapolis, Oct. 14. Will H. Hays also has promised to attend if his engagements permit.

Most of the eastern contingent will leave by the Pennsylvania Limited at 2:45 P. M., Thursday, and will have the "green coach" on the Burlington Zephyr leaving Chicago the following day.

Reservations have been made by Y. Frank Freeman, William F. Rodgers, William A. Scully, Nate Blumberg, George Dembow, Herman Robbins, W. Ray Johnston, Austin C. Keough and Charles C. Pettijohn. Monogram franchise holders expected include: Henri Elman, Chicago; Charles W. Trampe, Milwaukee; Nate Schultz, Cleveland; Forrest Judd, Des Moines; Charles Weiner, Minneapolis; Steve Broidy and Ben Welansky, Boston.

Pete Harrison and a group of six are expected to fly to Minneapolis from the coast.

Showmen Get Blanks For Drive Contest

Entry blanks are being distributed to exhibitors participating in the Motion Pictures' Greatest Year campaign with a view to obtaining their registration for the $2,100 exhibitors' contest, open to individual theatre managers and publicity men, or to local committees.

Entry blanks are to be sent to the Contest Bureau at campaign headquarters, 1270 Sixth Ave., New York. Monroe Greenthal is chairman of the bureau, which comprises William Ferguson, Alec Moss, Lou Lifton, Maurice Bergman, Arch Reeve, Mitchell Rawson, Lou Pollock and Paul Gulick.

Contest judges are Will Hays, Martin Quigely, Jack Alicoate, Maurice Kann, Charles E. Lewis, Jay Emanuel, Epes Sargent and A-Mike Vogel.

William Fox Hearing Postponed to Oct. 31

ATLANTIC CITY, Oct. 10.—Hearing on the proposed $500,000 compromise involving one of the principal issues in the $9,535,000 William Fox bankruptcy, scheduled today, was postponed until Oct. 31. The offer was by Mrs. Fox and two daughters, who proposed to pay the $500,000 if the All-Continent Corp., the family trust which Fox created for them, were freed of a suit for recapture of Fox assets.

Hiram Steelman, trustee of the bankrupt estate, was authorized on Aug. 31 to audit and examine the All-Continent books and report the results today. Creditors then were to judge whether to accept the $500,000 offer. The compromise also included the promise to withdraw an estimated $41,000,000 in claims of the grand total of $55,000,000.

Broadway's Stage Grosses Near 1937

After one of its worst summers in recent years, the Broadway legitimate stage has started to reach grosses that equal 1937 figures. Anticipation of World's Fair visitors is stimulating interest in production plans and 21 shows are now current on Broadway, 19 are on the road, four open this week, and 10 are in rehearsal.

Film interests, which withdrew from Broadway production last year, are still reluctant to invest despite overtures by producers here. The basic agreement demanded by the Dramatists' Guild, which gives no guarantees for the sale of the script, remains the principal objection to Hollywood participation.

On an experimental basis, Equity has granted permission for four Sunday performances by the Market St. Theatre stock company (Newark) during October, but Equity officials denied that there is any possibility of similar permission being extended to the Broadway area. Fear of a seven-day week, and a belief that there is not sufficient audience interest in Sunday performances are given as reasons for withholding permission. It was pointed out that Actors' Fund benefits, which are staged on Sundays, do not draw sufficiently to indicate a necessity for Sunday shows.

Estimated take for the last week in September and the first in October were above the same period in 1937, but road shows grossed considerably less. It is figured there will be 19 road shows as compared with 22 shows last year. For the 16 summer weeks, Broadway shows were under 1937 and the road also.

Interest this season is expected to center around musicals. Chorus Equity, which has recently completed a survey of membership employment, has found that more members are now employed in current engagements or rehearsals than were employed during the entire 1937 season, it was said. Actual figures will not be made public until next week.

★★★★★★★★★★★★★★★★★★★★★★★★★★

AIR EXPRESS *flies*

special newsreel service!

Regular as clockwork, twice a week from New York, newsreels zoom fan-wise over the nation by super-speed AIR EXPRESS. To nearest exhibitors in minutes, farthest overnight, with last-minute highlights of world events. It's a house-packing *wow* at low cost, big savings. Protect *your* bookings with 3-mile-a-minute AIR EXPRESS deliveries right to your door. Direct super-speed service for reels, scripts, props—anything—to 220 key cities and direct rail-air connections to 23,000 cities and towns in United States and Canada; also to Latin America, Honolulu, and Far East. For action, phone RAILWAY EXPRESS —AIR EXPRESS Division. *Nation-wide service—2500 miles overnight.*

AIR EXPRESS
DIVISION RAILWAY EXPRESS AGENCY, INC.

★★★★★★★ ★★★★★★★★★★

Church Group In Attack on Air Censoring

A study of American radio completed by the Department of Research and Education of the Federal Council of the Churches of Christ in America shows the council to be opposed to any form of censorship of the medium.

The report describes in detail and analyzes the several sides of broadcasting—entertainment, educational, religious—and deals also with broadcasts of controversial issues, monopoly control and advertising policies.

Stating that Government censorship of radio would be dangerous, the report says: "In a democracy freedom of speech is a priceless possession. No administrative Government agency is wise enough to be entrusted with power to determine what people shall hear. Freedom of radio is almost if not quite as important as freedom of the press. If either is curtailed, our political and religious liberties are imperiled."

The report stipulates, however, that since radio channels constitute a monoply, ways should be found to keep the stations in the hands of broadcasters who serve the public "convenience and necessity," and urges that the F.C.C. should be responsive to community opinion concerning the merits of past services rendered by applicants for renewals.

NAB Studying Press Fight on Censorship

(*Continued from page* 1)

published about radio is being compiled by the N.A.B. The Library of Congress and the U. S. Archives Bureau are cooperating. Present quarters of the N.A.B. have been found inadequate, and the association is now seeking new quarters.

WOR Disc Deals Closed

WOR recordings recently contracted for include "The Shadow," for Blue Coal through Ruthrauf & Ryan; "Gospel Singer," for Procter & Gamble through Compton; "Court of Human Relations," for Vatso Products through Lawrence Gumbinner; "Stamp Club," for Kellogg through N. W. Ayer; "Myrt & Marge," for Colgate through Benton & Bowles; "Hilltop House," for the same client and agency; "Don't You Believe It," for P. Lorillard through Lennen & Mitchell, and the Federal Theatre's "Men Against Death."

Close 3 Deals on WNEW

Three new WNEW contracts, just placed, find Luden's, Inc., signed for 26 weeks of sponsorship of "Make Believe Ballroom," Howard Co. sponsoring "Arizona Red" for an indefinite period, and Elbee Co. sponsoring a transcribed musical program for 48 weeks. J. Mathes & Co. and Weill & Wilkins are the agencies involved.

Bartholomew on Radio

Freddie Bartholomew will play the lead in a one-act play on Rudy Vallee's program over the NBC-Red on Thursday.

Busy Hearing List Scheduled by FCC

WASHINGTON, Oct. 10.—The Federal Communications Commission has arranged its calendar of hearings on broadcasting applications for the current week, as follows:

Oct. 11, before an examiner: Applications of Orville W. Lyerla, for a 1,310-kilocycle station at Herrin, Ill., with 100 watts night, 250 watts day; and WJBL, Decatur, Ill., for change of frequency from 1,200 to 1,310 kilocycles and increase of day power from 100 to 250 watts; WEBQ, Harrisburg, Ill., for change of frequency from 1,210 to 1,310 kilocycles and extension of time from specified hours to unlimited; KFVS, Cape Girardeau, Mo., for extension of time from specified hours to unlimited; WBOW, Terra Haute, for change of frequency from 1,310 to 1,200 kilocycles, and WJBC, Bloomington, Ill., for extension of time from sharing to unlimited.

Oct. 12, before an examiner: Applications of WOMI, Owensboro, Ky., for change of frequency from 1,500 to 1,200 kilocycles, and KAND, Corsicana, Tex., for increase of power from 100 to 250 watts.

Oct. 13, before an examiner: Application of Radio Enterprises, Inc., for a 1,310-kilocycle station at Victoria, Tex., with 100 watts night, 250 watts day.

Oct. 13, before the commission: Applications of King Trendle Broadcasting Corp., for a 1,010-kilocycle, 250-watt station at Grand Rapids; WRSP, Inc., for a 1,500-kilocycle station at Wisconsin Rapids, Wis., with 100 watts night, 250 watts day; Nathan Frank for a 1,500-kilocycle, 100-watt station at New Bern, N. C.; Greenville Broadcasting Co., for a 1,500-kilocycle, 250-watt daytime station at Greenville, N. C., and WSBT, South Bend, for change of frequency from 1,360 to 1,010 kilocycles, extension of time from sharing to unlimited and increase of power from 500 to 1,000 watts, and WNEW, New York, for increase of day power from 2,500 to 5,000 watts.

Oct. 14, before an examiner: Applications of John T. Alsop, Jr., for a 1,500-kilocycle, 100-watt station at Ocala, Fla., and WJRD, Tuscaloosa, Ala., for extension of time from day to unlimited with 100 watts night, 250 watts day.

He Won't Talk

Frankie Basch, WMCA's gangplank reporter, yesterday called NBC for permission to interview Arturo Toscanini, who will conduct a series of concerts for the network, on his arrival on the *Normandie* last night.

"All our vice-presidents and guards go down the bay to meet Mr. Toscanini when he comes in and can't make him talk, so we don't think he will to anybody else," came the reply from NBC.

M-G-M to Continue Show After Dec. 29

Under the present contract the M-G-M "Good News" program will be heard for the last time Dec. 29, but despite some reports that the studio would withdraw from the program on that date, it has been learned that the series will be continued for an additional 13 weeks, with M-G-M continuing its participation as heretofore.

Sponsor and studio are satisfied with the results obtained from the show, which, since its return to the air after a summer's absence, has retained its high listening rating, as indicated in the official ratings just released. Had M-G-M felt any dissatisfaction with its participation it is not believed the studio would have returned it to the air following the summer.

Revere Flies to Coast

Tom Revere, head of the radio department of Benton & Bowles, left New York for Hollywood by plane yesterday to spend the next three weeks in California. He will supervise the initial broadcast of the Jack Haley program which bows in this week, and will remain to look over production of the Joe Penner and Joe E. Brown shows, which made their debut last week for clients of his agency.

Swing Back from Europe

Raymond Gram Swing, newspaperman and commentator on Mutual, returned from Europe yesterday on the *Normandie.*

Wrigley Will Sponsor New Lasky-RKO Air Program

Jesse Lasky left New York for Chicago yesterday to close a deal with the Wrigley Co. to sponsor a new network series evolved by Mr. Lasky, in affiliation with RKO Pictures. The deal for this series has been under negotiation for almost a year, but yesterday Mr. Lasky appeared most optimistic that the deal will be closed within the next few days.

Mr. Lasky would not reveal the identity of the commercial firm which will sponsor the program, nor would he mention the name of the studio which will be tied up with the series, but from another source it was learned that the duo behind the series will be the Wrigley Co. and RKO.

Format of the program will be music and drama, with the stress on the latter. Chief feature will be a dramatization which will feature different teams of young RKO players. A board of judges, recruited from the studio and sponsoring heads, will select the best team at the conclusion of a 13-week run, whereupon the young players will be signed for full-time appearances in the series for another 13-week cycle and additionally will be featured in an RKO picture. Mr. Lasky will participate in the program as narrator and "em cee.."

A.F.R.A. and 4A's in Deal On Air Talent

The American Federation of Radio Artists is understood to have completed its negotiations with the [illegible] national agency association, to establish an agreement for radio artists working on commercially sponsored network programs. Within the week, the A.F.R.A. will begin negotiations with the individual advertising agencies which handle network shows.

The pact will establish base rates of pay for various types of work on programs proper, rehearsal periods, repeat broadcasts and other phases of broadcasting. A.F.R.A. some months ago successfully settled with the networks, NBC and CBS, and obtained an agreement for artists working on sustaining programs in the key cities where network stations are maintained, New York, Chicago and Los Angeles.

Networks to Survey Reactions of Public

In preparation for the forthcoming resumption of the Government probe alleging monopoly by the networks, the major networks have retained Miller, Franklin & Co., consulting engineers, to conduct several surveys to obtain data that will reflect credit upon the networks and their methods of operation.

The first survey was taken by Miller, Franklin & Co. at the recent State Fair at Trenton, which was attended by a group typical of small town citizens. The survey now is being tabulated.

Some 600 persons attending the fair filled in the questionnaire. The participants were asked to give their attitude about network radio vs. their local stations, to tell if they had obtained benefits from the various educational and cultural programs broadcast by the networks.

WBO Trial Set Oct. 25

Federal Judge John C. Knox yesterday set trial for Oct. 25 for two suits which seek to restrain WBO Broadcasting Corp., owner of WNEW, from broadcasting RCA Victor records of songs recorded by Paul Whiteman and his orchestra. Suit had been originally brought by Whiteman against WBO Broadcasting and one of its customers, Elin, Inc., which charged the unauthorized playing of Whiteman's records made under contract with RCA Victor Talking Machine Co., Inc.

Ferguson Joins Weed

R. L. Ferguson, formerly with the Jesse Kaufman talent agency, and prior to that manager or WINS in New York, has joined Weed & Co., station representatives, and will leave New York immediately to join the company's staff in Chicago.

"Sister" Player to Wed

Elizabeth Love, who appears in the "Big Sister" radio series over CBS, will be married on Friday to Eugene Katron, an attorney, at the Little Church Around the Corner.

ILE COPY
NOT REM

Alert.
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

[illegible]OL. 44. NO. 72 NEW YORK, WEDNESDAY, OCTOBER 12, 1938 TEN CENTS

Hope for Plan To End Radio, Film Conflict

Duals Control Also May Figure in Conference

Whether it will be possible for the industry to formulate a feasible policy regarding radio in the trade practice conference, soon to be held here, is a matter of considerable interest in the trade.

It is also hoped that when the distributors and exhibitors get together some method of voluntary regulation of duals may be framed, for the peace and benefit of the business.

Re-alocation and non-delivery may be suitably defined. It is understood that both M.P.T.O.A. and Allied may introduce these subjects for definition.

Nobody has the slightest thought but that Allied will bring up the matter of block booking, and in the meantime the distributors' group is industriously engaged in establishing a clear and workable viewpoint to exchange with exhibitors for enabling the industry to solve its pressing trade problems.

New Warner London House Opens Today

London, Oct. 11.—The new Warner Theatre in Leicester Square will be opened tomorrow with the Duke and Duchess of Kent scheduled to attend. The proceeds will go to charity. "The Adventures of Robin Hood" will be the opening feature.

Jack L. Warner, vice-president in charge of production; Sam Morris, in charge of Warner foreign activities; Max Milder, chief in England, and D. E. Griffiths, one of the company's English executives, are among those who will be present. A trade "preview" of the house was held tonight. It seats 1,775, is of quiet architectural design. Will Pepper is manager of the theatre.

Challenges Florida Right to Tax Radio

Tampa, Oct. 11.—The right of a state to levy a license tax on a radio station has been questioned by the *Tampa Times*, owner of WDAE here. The company has filed a petition in

(*Continued on page* 4)

Radio—Page 4

May Extend "Quiz"

On Oct. 25 the general committee of the Motion Pictures' Greatest Year drive will meet in New York to decide whether the "Movie Quiz" Contest shall be continued from Dec. 31 to March 1, this next year.

There was a meeting at the Astor yesterday, but no decision was made. There have been complaints on the small exhibitor end. These will particularly benefit from an extension of the drive by the fact that they will thus get an opportunity to play all the films which are subject to the contest.

More Independent Units Accept Bid To Industry Talk

The West Virginia Managers' Association yesterday designated the M. P. T. O. A. as its representative in the national exhibitor negotiations which will begin here next week with the distributors' negotiating committee. The M. P. T. O. A. is scheduled to meet with the committee next Wednesday.

The I. T. O. of Southern California has requested Oct. 24 as the date for a meeting of its representatives with the distributors' negotiating committee. The organization will be represented by Albert Galston, president, and Robert Poole, general manager.

Allied Theatre Owners of Nebraska and Iowa also has accepted the distributors' negotiating committee invitation,

(*Continued on page* 3)

STANDSTILL PACT IS BEING STUDIED

Myers, Rodgers to Speak on Industry Needs at Michigan

Grand Rapids, Oct. 11.—Exhibitor-distributor problems will feature the second day's session of Michigan Allied which will get underway tomorrow. There's considerable advance excitement because Abram F. Myers, Allied general counsel, and William F. Rodgers, general sales manager of M-G-M, are scheduled as the principle speakers.

Ray Branch, president, says he hopes the discussions will pave the way for a general agreement in the forthcoming conferences at New York. Routine business was disposed of today and as much of it as possible will be disposed of early tomorrow to make way for the principle talks during the afternoon session which will bring the convention to a close.

I. A., NLRB Confab Is Put Off to Oct. 21

Hollywood, Oct. 11.—Conference of producers and I.A.T.S.E. leaders, regarding charges before N.L.R.B. that I.A.T.S.E. is a company union, was postponed by Regional Director Dr. Towne Nylander to Oct. 21. Originally scheduled for Oct. 14. Delay is on account of George Browne, I.A.T.S.E. president, being detained in the east and unable to go to the coast.

Believe U. S. Charge on Pooling of Talent Is Vulnerable

A standstill agreement on some of the phases involved in the pending Government suit against the major companies here is being studied, and depends on the terms which the Government will demand.

Whether or not the Government will insist on making the standstill agreement retroactive to affect all unfinished deals, or limit its demands to new deals only, is what the trade is wondering about.

There may be a way out, if the Government were to step aside and permit the firms to continue operations in the regular course of business, to conclude presently pending deals on theatres, but making new deals subject to Government approval, or permit these to go to trial on the issues when the case goes to bat in the courts.

No date for a second meeting of counsel for the five companies with department officials has been set, but it appeared probable yesterday that arrangements for a meeting to be held

(*Continued on page* 3)

Figure Paramount Net at $4,000,000

Wall St. sources estimate Paramount's net for the quarter ended Oct. 1 at $800,000. The estimate brings the company's earnings for the first three quarters of the current year past the $2,000,000 mark. Earnings for the year may approximate $4,000,000.

Downtown sources also look for continued improvement in RKO and Universal earnings. RKO, under Leo Spitz, president, has been operating in the black for the past five weeks.

Hamlet and Wieners

Hot dogs and sandwiches in the lobby of the St. James is something new on Broadway. Maurice Evans' uncut version of "Hamlet," in which Katherine Locke appears, opens tonight at the theatre, starting at 6:30 and continuing until well after 11. The fans get 30 minutes out for dinner.

Six New, Three Holdover Films on B'way Next Week

Three of the nine films currently at Broadway first runs will be holdovers during the coming week. "If I Were King" will enter a third week at the Paramount today; "Too Hot to Handle" will start a third stanza tomorrow at the Capitol, and the Globe will hold "Dark Rapture" a second week starting Saturday.

"Room Service," which completed two weeks last night at the Rivoli, is being held an additional three days and will be followed Saturday by "Youth Takes a Fling." Universal's combination of "Frankenstein" and "Dracula," which is netting sensational grosses in key cities, will go into the Rialto next Tuesday. "Marie Antoinette" is currently in a ninth week at the Astor and promises to be the season's only Broadway roadshow.

"Suez," 20th Century-Fox special, will start an extended run at the Roxy Friday. "The Sisters," with Horace Heidt and his band heading the stage show, will start Friday at the Strand. New pictures opening tomorrow are "There Goes My Heart" at the Music Hall and "Broadway Musketeers" at the Criterion, in addition to a second run of "Boys Town" at Loew's State.

◂ Purely Personal ▸

BEN GOETZ, head of M-G-M's British production, is due today from the coast by plane after conferring with LOUIS B. MAYER on "Good-bye, Mr. Chips," which he will produce. SAM WOOD, who will direct the film, is due this weekend. They plan to sail for England next week.

•

ANGIE RATTO, manager of Loew's Palace, Washington, this week observed his 23rd aniversary with the circuit, and HOMER MACCALLOM, publicity manager at the State, Houston, his 11th year with the theatre.

•

JOE VOGEL, Loew theatre executive, yesterday observed his 29th anniversary with the circuit. He started as an usher at the Palace, Brooklyn, for MARCUS LOEW.

•

R. LYALL GRANT, general manager of British Empire Films, New Zealand, has arrived from London and will leave for home via the coast in a few days.

•

MRS. JULIEN DUVIVIER, wife of the French director, and CLIFFORD C. FISCHER, London producer, are booked to sail on the *Normandie* today.

•

SAM SMITH, British Lion executive, is scheduled to arrive next Monday on the *Queen Mary* for conferences with Republic officials here.

•

MIKE CULLEN, Loew's district manager with headquarters at Columbus, left last night after home office conferences.

•

NORMAN MORAY, Vitaphone sales manager, was in Philadelphia yesterday for conferences at the local branch.

•

JOHN PAYNE, Warner player, will leave for the coast tomorrow after a vacation here.

•

SAM MEINHOLD, Loew's district manager, has passed another birthday.

•

ALAN MOWBRAY will arrive here tomorrow from the coast. He will attend the opening of "There Goes My Heart," in which he is featured, at the Music Hall.

•

MARTIN MULLIN and SAM PINANSKI are in New York from Boston for conferences at Paramount.

•

DAVE PALFREYMAN of the M.P.P.D.A. is attending the Allied of Michigan meeting at Grand Rapids.

•

BOB RUBIN, JR., has teamed with FRANK SHIELDS, tennis star, in the insurance business.

•

MORT SINGER has arrived in town from the middle west on a business visit.

•

ANN SOTHERN will arrive here for a brief vacation today.

THE MERCURY
GIANT SKYSLEEPERS
OVERNIGHT TO LOS ANGELES
Fly the Southern SUNSHINE route overnight to Los Angeles. Through service. No change of planes. Giant SKYSLEEPERS. Complimentary meals served by stewardesses.
Mercury Lv. 5:10 p. m. (only 3 stops)
Southerner Lv. 9:00 p. m. (only 5 stops)
FOR RESERVATIONS: Call Your Travel Agent or VANderbilt 3-2580. Ticket Offices: 45 Vanderbilt Ave., and Rockefeller Center, 18 W. 49th St.
AMERICAN AIRLINES Inc.

B & K Steps Up Ad Budget, Chicago Loop Takes Rocket

By BILL CROUCH

CHICAGO, Oct. 11.—Balaban & Katz played first run films throughout the Loop last week. Advertising budgets were stepped up to announce the new films, and business over the weekend was nothing less than terrific with strong stage shows augmenting the weaker films in several houses.

"You Can't Take It With You" was tops at the B. & K. flagship, the Chicago, doing $55,000. At the United Artists "Boys Town" started off big. Lots of kids. "Straight, Place and Show," "King of Alcatraz" and "Valley of the Giants" are popular. Stage attractions piloted offerings at the Palace and State-Lake. The Palace had Bert Wheeler, the Stroud Twins, the Schnickelfritz Band and Dolly Kay, among others, with "Affairs of Annabel" on the screen. The State-Lake offered Hugh Herbert in person, with "Army Girl."

All Loop houses tied in strongly with the "Movie Quiz" contest, with the result that more booklets were taken by patrons than since the first week of the contest.

▼

Current comment in these parts is to the effect that Abram F. Myers of Allied may come here to take an active part in the independents' suit against B. & K. and the majors. Attorneys Rosenberg and Stein, of the independents, deny that Myers will assist them in the suit, which was again postponed. More postponements are expected.

▼

The Garrick cut prices last week to meet the opposition of the nearby Essaness Woods, which has been booking first run pictures passed up by B. & K. The Garrick now has a 50-cent top against a former price of 65 cents.

▼

The operators' union and Chicago exhibitors are still striving for an agreement over the new contract. Exhibitors are adamant in their position that they will not restore a 10 per cent pay cut taken during the summer months by the operators. The theatremen maintain that business does not warrant the restoration of the cut while the operators refuse to sign a new agreement unless it is restored.

Local theatres are still being picketed by members of the theatre engineers' union. Lack of sanction for the walkout by the International makes the strike ineffective. Like the operators, the engineers took a pay cut during the summer and theatremen have refused to restore it. Settlement of this trouble is at a standstill with both sides refusing to start negotiations.

Himmelin G.N. Manager

CLEVELAND, Oct. 11.—John Himmelin, for 15 years with Paramount in Cleveland as city salesman and branch manager, has been named local branch manager for Grand National. Peter Rosian, former G. N. manager here, has gone to New York. Himmelin has added Giles Robb.

Quarberg to Universal

HOLLYWOOD, Oct. 11.—Lincoln Quarberg joins Universal publicity department. He was formerly advertising and publicity director for David L. Loew productions.

Garber in Para. Short

Jan Garber and his Orchestra will be featured in a Paramount musical short, now in production at the Film Art Studios in the Bronx.

Gibraltar Now Has 32

DENVER, Oct. 11.—With the adding of the Grand at Rocky Ford, Col., Gibraltar Enterprises will have 32 houses in Colorado, Wyoming, Nebraska and New Mexico. Gibraltar not only bought the Grand from J. J. Goodstein, but also purchased the building housing the Rialto at Loveland, Col.

Harrison to Buffalo

PHILADELPHIA, Oct. 11.—Jerry Harrison, manager of the Europa, foreign language film house for the last four years, will leave Saturday to manage the new Mercury Theatre, Buffalo. Jack McNeill will replace him.

The "OVERLAND FLYER" to LOS ANGELES
Deluxe United Mainliner Sleeper
★ Latest Sleeper departure—11:45 p.m. Arrive Hollywood early afternoon. Luxurious, quiet, fewest stops. Or take United's famed "Continental" Sleeper. Lv. 6:15 p.m., ar. 9:35 a.m. **Reservations:** 58 W. 42nd St., MU 2-7300. Or travel bureaus, hotels.
UNITED AIR LINES
The Main Line Airway

Loew's Purchases 1,918,000 Booklets

A total of 1,918,000 "Movie Quiz" contest booklets has been purchased by the Loew circuit nationally to date and an additional 200,000 has been ordered, according to Oscar A. Doob, circuit advertising and publicity head.

On this basis more than 2,00[illegible] booklets will have been distributed by the circuit since distribution began Sept. 1. The cost of this material to Loew's, figured at $5.50 a thousand, is approximately $11,000.

Robin Sues Motiograph

J. E. Robin, Inc., manufacturer and distributor of theatre equipment, filed suit yesterday in the N. Y. Supreme Court against Motiograph, Inc., and Victor V. Coster, and asked the court to restrain Motiograph from allegedly breaching a contract which it had with the plaintiff.

The complaint stated that Motiograph made an agreement on March 21, 1938, with the plaintiff, whereby the plaintiff was given an exclusive three-year agency to distribute Motiograph products, including its projectors, in Central and South America. Motiograph had refused to carry out the contract, the complaint stated, and had employed Coster.

Settle Kibalchich Suit

A $250,000 "unfair competition" suit brought by Basil Kibalchich against M-G-M in the N. Y. Supreme Court has been settled and the action discontinued, it was learned yesterday. The suit involved six recordings for use in the M-G-M film "Anna Karenina." Kibalchich is director of the Russian Symphonic Choir.

Deutsch in Sound Firm

LONDON, Oct. 11.—Oscar Deutsch is a director of a new company, Sound Equipment, Ltd., registered with a capital of £125,000 ($625,000), to acquire the business of Sound and Cinema Equipments, Ltd.

"Secretary" at $5,200

"Personal Secretary" grossed $5,200 at the Rialto in five and a half days.

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS:—*Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address. Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

Pact in Trust Action is Now Being Studied

(*Continued from page* 1)

[illegible]t week will be completed within a few days.

Under such a plan new theatre deals which were not approved by them would not be consummated by the companies. Perhaps deals which had a direct bearing on the safeguarding of existing theatre investments might be undertaken. In this way the companies would be enabled to protect realty investments and options of the various affiliated theatre companies. A rigid attitude by the Government prohibiting new theatre deals would result in the loss of investments in prospective theatre sites and would deny companies a logical right to expand in new and growing communities.

Right to Renew Agreements

A conditional arrangement of the kind mentioned would give the companies an opportunity to renew agreements on their expiration without the impairment of existing investments.

According to present indications, only counsel for Loew's, Paramount, RKO, 20th Century-Fox and Warners will attend next week's meeting in Washington.

Belief is that the Government's allegations about talent pooling is vulnerable.

Independent companies have repeatedly benefited from obtaining valuable talent from the bigger companies, and in the usual course of things, the smaller companies seek the higher priced major company talent only upon extraordinary occasions. Ordinarily, such talent can't fit in with the independent company's plans of operations, no matter how figured.

Borrowing Peak, 1937-38

Talent borrowing reached a peak during the 1937-38 season among the principal and lesser companies. Republic and Monogram have both made a number of loans from the major lots.

Among others, Republic obtained Russell Gleason from 20th Century-Fox for "The Higgins Family," a current release, and during last season borrowed the following: Margaret Tallichet from Selznick International for "Desperate Adventure"; Beverly Roberts from Warners for "Call of the Yukon"; Ann Dvorak from Warners for "Manhattan Merry-Go-Round." In 1936-37 Samuel Goldwyn lent Andrea Leads to Republic for "It Could Happen to You." In addition, Doris Weston, Grace Bradley and June Travis were loans from the major lots for Republic films.

One of the most conspicuous loans was Mickey Rooney from M-G-M for Monogram's "Hoosier Schoolboy." That film admittedly boosted the youngster's value to M-G-M, for since then he has been kept sufficiently busy to preclude further loans.

Other Monogram loans have been Frank Shields from Samuel Goldwyn for "Hoosier Schoolboy"; Anne Nagel from Warners for "Saleslady"; June Travis and Gordon Oliver from Warners for "The Marines Are Here"; Terry Walker from Paramount for "Federal Bullets," and Craig Reynolds from Warners for "Female Fugitive."

The Newsreel Parade

With the European conflict seemingly well in hand, the signing of the four-power peace agreement in Munich is the chief presentation in the latest newsreels. Highlights of the World Series and football games around the country cover the sports situation.

The reels and their contents follow:

MOVIETONE NEWS—Historic Munich conference. Conferees return to their respective countries. Japanese drive toward Hankow. World Series tense moments Football games.

NEWS OF THE DAY—Signing of peace treaty. Hitler marches into ceded areas. Greta Garbo returns from Europe. Cavalry maneuvers in California. Yanks take four in a row. Columbia beats Army.

PARAMOUNT NEWS—U. S. Mint stamps out first five-cent pieces bearing Jefferson's head. First transatlantic liners arrive from Europe since crisis. International schooner races. Yanks sweep series. Football games.

RKO PATHE NEWS—Historic signing of four-power pact. Greta Garbo arrives from Sweden. Test new altimeter. Yankees win third successive world championship. Football games.

UNIVERSAL NEWSREEL—Four-power peace parley averts war. Army field maneuvers. New altimeter aids aviation. Yankee victory makes record. **Football** games.

Ia. Allied Selects Confab Delegates

DES MOINES, Oct. 11.—Leo F. Wolcott, Eldora, Ia., and Wesley Mansfield, Tama, Ia., were selected as delegates to attend the Kent trade practice conference in New York, by the Allied Independent Theatre Owners of Iowa and Nebraska, in the final session of the annual convention at the Kirkwood Hotel yesterday and today.

The unit also voted to hold a series of district meetings covering the entire territory to further business improvement.

Wolcott was reelected president for his fifth term. Other officers are M. R. Blair, vice-president; Wayne Dutton, secretary-treasurer. Directors elected for a three-year term are: W. B. Frankie, Phil March, W. P. Grossman, A. B. Hilton, Mansfield, Clifford Niles, Wolcott.

F. P. Canadian Can't Decide on Giveaways

TORONTO, Oct. 11.—According to data compiled by Famous Players Canadian Corp., 15 of the 23 second run theatres in Winnipeg, Man., regularly offer merchandise gifts to patrons.

A number of these are units of the Famous Players circuit but the company is trying to work up an agreement for the elimination of giveaways by all theatres. The circuit has made a five-cent increase in admission prices at its neighborhood theatres in Winnipeg and has raised the balcony price from 35 cents to 40 cents at its downtown Capitol.

Another Second-Run Sues the Big Majors

HOLLYWOOD, Oct. 11.—Kinna Mission Theatres, Inc., operating Kinema Theatre, Florence, brought suit in Federal Court, to restrain 20th Century-Fox, Fox West Coast (National), RKO, United Artists, Columbia and the Sunbeam Theatres Corp., from pursuing alleged discriminatory selling practices. Kinna complains Sunbeam gets films which it doesn't get. Sunbeam is second run.

Engel Joins Paramount

HOLLYWOOD, Oct. 11.—Sam Engel joins Paramount, on Monday, as a producer. He was formerly with 20th Century-Fox.

Bingo in Kentucky Now Ruled Illegal

FRANKFORT, Ky., Oct. 11.—Assistant Attorney General J. K. Lewis has ruled the game of Bingo violates the state constitutional provision against lotteries.

He previously had held the 1938 General Assembly's act designed to legalize Bank Night was unconstitutional, and he declared "it is our opinion that Bingo is illegal and unconstitutional for the same reason that Bank Night schemes are illegal and unconstitutional."

The ruling on Bingo, a game used by some churches and fraternal organizations as a means of distributing prizes, was given in response to a query from the Rev. William S. Smythe, Washington, Ky.

More Independent Units Accept Bid To Industry Talk

(*Continued from page* 1)

and Michigan Allied will send its national officers to the Allied board meeting to be held in New York next Monday. At this meeting, the national organization's policy on the intra-industry conferences will be decided.

The I. T. O. A., New York, and the M. P. T. O. of Virginia also have accepted invitations to be represented at the negotiating meetings here. The remaining three regional organizations of the eight not affiliated with M. P. T. O. A. or Allied, which were asked to attend the meetings, have not replied yet. They are M. P. T. O. of Kentucky, T. O. M. of the Rocky Mountain Region and Allied of Oregon.

"King" at $57,000 In 2nd Para. Week

"If I Were King" continues its record-breaking pace at the Paramount, having netted $57,000 in a second week, one of the biggest second stanzas in the theatre's history. This followed the first week's take of $67,000, the best since the inauguration of the present band policy. The film is in for a four-week run.

"Marie Antoinette," in an eighth week at the Astor, grossed $8,900. The third week of "Room Service" gave the Rivoli $14,500. It is being held an extra three days, to Friday night.

HAVE BREAKFAST TOMORROW IN LOS ANGELES—FLY TWA!

Board TWA's Sky Chief at 5:30 tonight... You'll be on the West Coast before 8 A. M!

FARE ONLY $149.95

LOSE no business hours — no sleep — going clear to California! Latest departure, with early morning west coast arrival. Only 3 stops en route — 1 after midnight — on the SKY CHIEF. Only TWA Skysleepers have separate club lounge and sleeping compartments.

To Chicago, TWA has the latest afternoon non-stop departure...fare $44.95. Excellent connections to Twin Cities, the Northwest, and Mexico.

TWA

PHONE MUrray Hill 6-1640
Transcontinental & Western Air, Inc.
70 East 42nd Street. Or call any hotel, travel bureau, or telegraph office.

Fly THE LINDBERGH LINE

Around the Country

San Francisco

Ruth Peterson, former KFRC actress and singer, has been cast as Linda Carroll, new role added to Hawthorne House skit, five times weekly KPO program. . . . Ted White, pioneer coast radio singer, has returned to the NBC staff here after an absence of two years. . . . Jane McGreevy, now as KSFO actress . . . KSAN has invited the public to inspect its new studios atop the Furniture Mart on Saturday forenoons. . . . Visitors on "radio row" include Don Gilman, NBC coast vice-president, and Harrison Holliway, manager of KFI, both up from Hollywood. . . . Charles Cooper, formerly of Tacoma, has joined KSAN's announcing staff. . . . Lon Hughes, *Examiner* financial editor, is now aired five mornings weekly by KPO in stock market chats.

+

Omaha

Helen Corey, Omaha singer, recently with CBS in Chicago, is back with WAAW. . . Art Faust of KOIL is vacationing. . . . James Farris, formerly with Central States Broadcasting System here, has gone to work for KYSM, Mankato, Minn., as promotion manager. . . . Jake Rachman, KOIL columnist, has moved to the *Omaha World-Herald*. . . . Joe Eaton, formerly of WOW, has been promoted to commercial manager at WHAS, . . . WAAW is now airing a morning safety program with school boys as speakers. . . . De Emmett Bradshaw, president of WOW, is recovering from an illness.

+

Chicago

Mark Fisher and his band and Charlie Agnew and his orchestra are the latest musical groups to be heard over WIND. . . . Joe Alexander is the new staff organist at WJJD. . . . Truman Bradley's friends here are awaiting the Chicagoan's film debut, which is scheduled shortly. Mr. Bradley gave up radio for films last summer. He is under contract with M-G-M.

Chevrolet Plans Series

General Motors, for Chevrolet, will sponsor a new Monday through Saturday period of United Press news over WABC locally, starting Oct. 17. The programs will be aired from 6 to 6:15 P.M. The news will be especially selected for local consumption. Campbell-Ewald is the agency.

Open New Studios Oct. 17

Hollywood, Oct. 11.—Don E. Gilman, NBC vice-president here, yesterday announced that the new NBC studios in Hollywood would be placed in operation Oct. 17. The opening will be held in a routine manner, with no ceremonies planned.

Ben Grauer with Vitalis

Ben Grauer has been signed as announcer for the Vitalis "For Men Only" program heard Tuesdays over WEAF. He starts next week.

There'll Be Carbons!

Jack Johnstone of the Biow agency—he writes the "Thrill of the Week" dramatic sequence in the Phillip Morris Tuesday NBC program—received a personal, unexpected and entirely unwelcome thrill yesterday. Having finished the script, he sent it over to the continuity acceptance division of the network for approval, where, through a mishap, it was lost.

Frantic investigation finally revealed it had accidently been tossed into a wastepaper basket, from which it had been collected with the refuse, bagged, and sent to the junk yard of the firm which collects the NBC wastepaper.

Johnstone and Dick Raismes of NBC thereupon hopped into a taxicab and made for the yard, where they were confronted with 700 sacks of scrap collected from NBC. The script was located in the third bag opened. From now on Johnstone swears he'll make carbons.

Biow Purchase of WINS Is Personal

Milton Biow, president of the Biow advertising agency and owner of WNEW, New York, has purchased Station WINS from Hearst Radio, Inc. The purchase price is said to have been about $200,000.

The purchase was by Mr. Biow personally, and if the Federal Communications Commission approves the transfer, he will operate the station independently of his agency or his other radio station.

Hearst announced some six months ago his decision to retire from the radio business. Originally Arthur O'Brien, a west coast attorney, was to have purchased WINS, but recently those negotiations were suspended.

Hearst now retains interest in but five stations in his chain of radio stations. Still under his control are WCAE, Pittsburgh; WBAL, Baltimore; KYA, San Francisco; WISN, Milwaukee; KOMO, Oklahoma City.

All but WCAE and WBAL are now in negotiation for sale.

WHN Closes Five Deals

Five new accounts have been started at WHN. Home Diathermy Co. has contracted for 12 quarter-hour programs for one year; Royal Typewriter is sponsoring Dick Fishell in sports commentaries during the football season; the same account is now also sponsoring "Early Risers"; Madison Personal Loan is sponsoring Fishell in another series of sports broadcasts; Famous Furriers is broadcasting a quarter-hour of U. P. news twice weekly, and American Jai-Ali Corp. has entered into a contract for spot announcements.

Cole Joins Lord Staff

Alonzo Dean Cole, author of the network show, "Witches Tale," has joined the staff of Phil Lord Enterprises, where he is assisting in the writing and production of the Lord-produced programs.

Hode in Series on Films

Hal Hode, Columbia Pictures executive, will broadcast a weekly series titled "Plain Talks About the Movies" over WNEW at 6:30 P. M. Sundays, starting this week.

Larry Elliott to CBS

Larry Elliott, WJSV, Washington, has come to New York to join the announcing staff of CBS. He is replacing Henry Neely, resigned.

Challenges Florida Right to Tax Radio

(*Continued from page 1*)

Federal Court to restrain the Hillsborough County tax collector from enforcing collection of a state and county license tax for the year beginning Oct. 1, 1937. The suit was described as "friendly," by Ralph Nicholson, treasurer of the company.

"Radio stations operate under a Federal license," Nicholson said. "They are engaged in interstate commerce and are under the exclusive jurisdiction of the Federal Government. We believe that neither a state nor a municipality can collect a license tax from a radio station."

WMCA Signs Powers, Janis to Do Sports

Jimmy Powers, New York *Daily News* sports editor, has been signed by WMCA in a revision of the station's sports department. Additionally, Hal Janis, sports statistician of WMCA, has been made director of sports.

Under the new setup, the sports department will operate on a greatly enlarged schedule hereafter.

Start CBS Series Monday

"Americans All," a 26-week series of dramatizations of the contributions of immigrants to this country, will begin over CBS Monday. The series, created by the Office of Education, Department of the Interior, will be under the supervision of John W. Studebaker, Commissioner of Education. The air time will be 10:30 to 11 P. M.

"Rat" on Smith Show

Bob Taplinger, Warner studio publicity director, came east to help arrange the air premiere of "Brother Rat" on Kate Smith's network show Thursday night, with Priscilla Lane, Wayne Morris, Eddie Albert and Johnny Davis participating.

Carson Is in New York

H. R. Carson, general manager of All-Canada Radio Facilities, Ltd., largest radio operators in the Dominion, arrived in New York yesterday.

Maxine Pasteur in Town

Maxine Pasteur, WIP, Philadelphia, singer, is here on an extensive visit, to shop and stare.

Holding the Train

Any doubt that Burns and Allen really are important folks may be dispelled, for, believe it or not, a transcontinental train is going to be held up 35 minutes on Friday to enable the comedians to complete a broadcast. Scheduled departing time for the train is 11:40 P. M., but the Burns and Allen repeat broadcast will hold them on the air until midnight. To permit them and party to catch the train for Hollywood, its departure is being delayed until 12:15 A. M.

Starr to Cover Spy Hearings on WMCA

The spy trials to be held in Federal Court beginning Monday will be covered by Martin Starr for WMCA. With microphones barred from the courtroom, WMCA will follow the same procedure as in the Jimmy Hines trial. Microphones will be installed in a building next to the court.

The station will also cover the second Hines trial when it begins next month.

KPO, KGO Get News Ser

San Francisco, Oct. 11.—NBC has inaugurated a new series of news broadcasts over KPO and KGO, in charge of Bob Anderson, former newscaster for *The Call-Bulletin*, and Bob Ackerly, former chief announcer at KOMO. Three news periods a week have been sold to Bathasweet Corp., and two others to North American Accident Insurance Co.

To Open Hollywood Spot

Hollywood, Oct. 11.—Hollywood's newest theatre, the Teleview, on Hollywood Boulevard, will open Oct. 21 with newsreels and short subjects.

The Teleview will be the first of a circuit which Teleview Theatre Corp., headed by Arthur Klein, operate throughout the West.

Dunbar Aide to Seed

Pittsburgh, Oct. 11.—Bob Dunbar, West Virginia salesman for Warners, has been named office manager and assistant to Harry Seed, branch head, in the Pittsburgh exchange. He succeeds Paul Krumenacker, recently named Albany exchange manager.

Named KSRO Manager

San Francisco, Oct. 1. — Wilt Gunzendorffer, formerly manager of KFRC's artists bureau, has been named manager of KSRO, Santa Rosa. Larry Thatcher, former newspaperman, is the station's new commercial manager.

Name Carroll Manager

New Haven, Oct. 11.—Lewis P. Carroll of Boston has been appointed manager of the 284-seat Lincoln, reopened last week by Harry Segal and Joseph E. Levine of Boston, new lessees.

Carl Ruff Goes to WOR

Carl Ruff has joined the WOR press department, succeeding Tom Kearns, recently resigned.

FILE COPY
DO NOT REMOVE

Alert.
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE
DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 44. NO. 73 NEW YORK, THURSDAY, OCTOBER 13, 1938 TEN CENTS

Ascap Laws of 5 States Face Validity Test

Supreme Court Hearing Due Early Next Year

Constitutionality of state legislation prohibiting Ascap from operating in five states will be tested in the U. S. Supreme Court around the first of the year.

Schwartz & Frohlich, counsel for Ascap, has decided to introduce arguments on the constitutionality of the legislation when the high court hears appeals on the Florida and Washington legislative cases within the next three months.

The Florida case will provide a clear test of the constitutionality of the Nebraska anti-Ascap law, as the two are substantially alike; while the Washington case will apply to the Montana and Tennessee Ascap statutes for the same reason. Accordingly, all existing anti-Ascap legislation is affected by the coming hearings.

Ascap's attack on the constitutionality of the Washington law was dismissed by a Federal statutory court on the ground that the music licensing society had failed to show that the required jurisdictional amount of $3,000 was involved. Ascap's appeal from this ruling was accepted by the Supreme Court Monday, when it consented to hear the society's case. When the appeal is argued in December or January, Schwartz & Frohlich will

(*Continued on page 2*)

So Help Us!

James P. Cunningham of *Motion Picture Herald* is in Westchester Hospital, the Bronx, for observation. The institution is so crowded that Cunningham has a room in the maternity ward with two cribs alongside the bed.

Allied Ready For Industry Talks—Myers

GRAND RAPIDS, Oct. 12.—Allied is willing to go along and the differences of the past between this organization and the rest of the trade can be forgotten for the good of all, was the encouraging keynote of an address made today by Abram F. Myers, Allied chieftain at the final session of a two-day convention of the Michigan unit of the association, here at the Morton Hotel.

William F. Rodgers, M-G-M general sales manager and leader in the present industry trade practice meetings, was a principal guest.

"Let the dead past bury its dead," said Myers. "We now have our eyes turned to the day when we may perform a constructive work that should have been done 10 years ago.

"Allied, as you know, is a thoroughly democratic organization. All power resides in a board of directors. The directors are chosen by the af-

(*Continued on page 2*)

Odeon-G. B.-Woolf Behind $40,000,000 Theatre Merger

LONDON, Oct. 12.—What is undoubtedly the biggest transaction of its kind to be considered here is a proposal whereby certain mighty insurance companies and financial interests may advance a possible $40,000,000 in new underwriting and recapitalization to Odeon Cinema Holdings, Ltd. (Oscar Deutsch) for the purpose of absorbing into Odeon several of the most important London Theatre circuits, including the Gaumont British theatres, additionally to Universal company's distribution and the General Theatres Corp. (Woolf-Portal-Rank) and the Bernstein Theatres, Ltd. This would give Odeon control of approximately 700 theatres, largest number under one control.

Involved on the financial end of the prospective matter is the powerful Prudential Assurance Co., Ltd. E. H. Lever, brains behind this firm, it is understood, has participated personally in discussions revolving around the discussed undertaking.

United Artists is a partner in Odeon. Prudential is principal backer of London Films (Korda). Whether the G.B. end of the deal goes through is entirely dependent on whether the project receives the approval of Sidney R. Kent, president of 20th Century-Fox, and Joseph M. Schenck. It is understood here that the parties will not be able to get the consent of United Artists to the matter until the approval of Kent and Schenck shall have been had, as 20th Century-Fox is a principal GB owner.

It is understood that the Ostrers are asking $7,500,000 for their end of the deal. Another $10,000,000

(*Continued on page 2*)

EUROPE SEEKS TO UTILIZE U.S. RADIO FOR PROPAGANDA

Recent Crisis Reawakened Powers to U. S. Radio Value; Alien Agents Ply Foreign Language Stations

By JACK BANNER

Certain European states, whose acute awareness of the power of radio as a propaganda medium was reborn during the recent crisis, have descended upon American stations engaged in foreign language broadcasting, with a view toward winning the support and opinions of their nationals in this country. Various envoys of those governments, arrived since the temporary peace, are now at work studying the foreign language broadcasts and visiting stations with suggestions as to what their own nationals might like to hear about the mother countries.

Nations which have sent investigators here include Poland, Czechoslovakia, Hungary and Italy. Germany long ago realized the need of having a radio representative in this country, and has a Kirk Sell acting in Washington as the official representative of German radio in this country.

Duties of the foreign investigators are to listen to transcripts and read scripts of the talk and news programs aired by the American foreign language stations, the number of which has increased greatly in recent years, and to make analyses and reports of what they hear to their home governments.

As far as can be learned, belief is that some of the foreign radio investigators may not have complied with the recent law that all persons engaged in propaganda work for foreign governments or interests, register with this government, although a full check has not been made.

However, it is known that the U. S. Government has learned of the situation, and now has a staff at work to determine the extent and value of the propaganda that is being planted with the foreign language stations.

Independent Unit Revived on Coast

HOLLYWOOD, Oct. 12.—The Independent Motion Picture Producers' Association has been revived, after being dormant for several years as a result of the curtailment of independent production through rising costs.

The first aim of the organization will be to seek concessions from the Screen Actors' Guild and labor groups which will permit lower labor costs on films than the scales set up for the major studios. George Hirliman, Lou Rantz, Phil Krasne, Phil Goldstone and Edward Halperin have been named to confer with the guild on the concession request.

Officers of the organization are: Phil Goldstone, president; Phil Krasne, George Hirliman and Sig Neufeld, vice-presidents; Sam Wolf, secretary and general counsel, and Bud Barsky, treasurer. I. E. Chadwick was the last president of the group.

Mexicans to Boost Product This Fall

MEXICO CITY, Oct. 12. — Made-in-Mexico pictures are to have their innings this fall as exhibitors have decided to abandon their practice of shying off home productions from October to December, the period when the Municipal Government checks up on theatres to strike an average for the monthly tax to be put into effect next year. During this period, Mexican

(*Continued on page 2*)

Harris Party to Be Atop the Music Hall

W. G. Van Schmus, managing director of the Radio City Music Hall, has granted the use of a studio atop the theatre for a reception by Harold B. Franklin to John Harris, head of the Harris Amusement Enterprises, Pittsburgh, Monday at 5 P.M.

The reception is in connection with the industry campaign, Motion Pictures' Greatest Year, of which Franklin is business manager, and is to honor Harris, whose father was owner of the first motion picture theatre in America, at Pittsburgh.

Allied Ready For Industry Talks—Myers

(*Continued from page* 1)

filiated regional associations. That board will meet in New York on Oct. 17. Nathan Yamins and I will make our report to the members.

"And so I am uttering a prayer for the success of the movement which Rodgers has so skilfully launched, a plea for continued confidence in and support of Allied and a committee which it may name, and a solemn warning to distributors and exhibitors alike that during the next 65 days they will be very much on the spot. All concerned in the forthcoming deliberations will be under close observation by the entire industry, the Government and the organized consumer groups. Any display of insincerity, bad faith, personal selfishness or attempted conniving will meet with swift retribution.

Allied Board Meets Jan. 10

"The annual January board meeting will come on Allied's 10th anniversary. Possibly I am a hopeless optimist, but I profoundly believe it will be the occasion for great rejoicing. We may even receive that friendly recognition by the Big Eight that has been withheld through the intervention of the industry politicians. It is an inspiring prospect, that of a united industry, its wounds bound up and its anguish assuaged, surging forward to even greater accomplishments."

Rodgers spoke straight from the shoulder.

"Generally speaking," he said, "the fruits of our labor have been good to us all. The ideals are about to be realized.

"We, distributors, sincerely want to have a state of confidence to exist, and we are ready to discuss every phase of our different problems and we will do our level best to bring about the understanding that will enable us, all, to more completely enjoy the benefits of our great industry."

"I have had sufficient cause to believe," he went on, "that your organization and personnel are interested, as other exhibitor bodies are, too, toward the solution of any existing problem by self-regulation from within our industry.

Keynote Is Conciliation

"Conciliation, rather than legislation, is our keynote."

An approximate gain of 60 per cent in the organization's membership over the past year was noted. Resolutions of credit were voted to the officers. The majority of the officers and directors were re-named for another year, including Ray Branch of Hastings, as president, and E. E. Kirchner of Detroit as secretary-treasurer. C. R. Beechler, Charlotte, was elected vice-president. The new directors named are Allen Johnson, Walter Semeyn, Grand Rapids; H. Carley, Holland; W. A. Cassidy, Midland; G. A. Cross, Battle Creek; W. J. Olson, Clare; J. H. Ross, Lansing; P. C. Schram, Kalamazoo; William Schulte, J. E. Stocker, Detroit; W. G. Thick, Marshall, and George Wilbur, Wyandotte.

◂ *Purely Personal* ▸

HIRAM SHERMAN and MILLEN BRAND, the latter author of "The Outward Room," have been added to the program arranged by the film division of the Theatre Arts Committee meeting at the Astor Hotel Friday night.

•

F. J. A. MCCARTHY, eastern sales manager for Universal, left yesterday for a sales trip to New Orleans, with visits scheduled at other southern branches.

•

LEON FROMKESS, Monogram treasurer, left last night for Los Angeles to confer with coast officials about forthcoming production plans.

•

PAUL RADIN, formerly with United Artists, is now assistant to DONALD GIBBS, in charge of Paramount advertising at the Buchanan Agency.

•

HANNAH CASS, head of title department of Columbia Pictures, is recuperating from an operation. She is at the Murray Hill Hospital.

•

MARION ROBERTSON, talent scout for RKO, will talk at the Film Forum of the National Board of Review tonight on "I Am a Talent Scout."

•

LEE PATRICK, who recently finished in "The Sisters," will come east next week to appear in a stage play.

•

DAN KELLEY head of Universal's casting department, has arrived for a week's stay at the home office.

•

JOE PASTERNAK, Universal producer, is in town.

Warners Shift George

PHILADELPHIA, Oct. 12.—Douglas George, in charge of Warner publicity for the out-of-town theatres in the Philadelphia territory, has been transferred to Standard Theatres, Warner subsidiary, in Oklahoma City.

Grant Five Fellowships

Five new fellowships have been granted to young playwrights by the John Golden Fellowship Committee, the funds to come from the $5,000 contributed to the Dramatists' Guild by John Golden.

BEN GOETZ, M-G-M's British production chief, arrived from the coast yesterday and plans to sail next Wednesday on the *Queen Mary* with SAM WOOD, director.

•

HARRY M. WARNER is due Tuesday from the coast for a stay of two or three weeks.

•

ALONZO FOLLETT, electrician at the Orpheum, Yorkville, is celebrating the completion of 21 years with Loew's.

•

RICK RICKETSON, Fox Intermountain manager in Denver, is here for conferences with SPYROS SKOURAS.

•

THOMAS MITCHELL and E. J. NAYER flew to the coast last night via United.

English Officials Attack Political Reel Censorship

LONDON, Oct. 12.—Unofficial political censorship of newsreels was publicly condemned today by Herbert Morrison and Reginald Stamp, spokesmen for the London County Council.

The situation arose out of the diplomatic protest against allegedly critical remarks concerning Prime Minister Chamberlain's foreign policy in the British Paramount reel during the recent crisis, when Paramount withdrew the offending passages.

Following Morrison's appeal to the trade not to submit to political censorship and party propaganda, Stamp threatened that if a similar circumstance arises again he will consider the matter officially. He is resentful of the questioning of his authority implied in the effort of other sources to censor reels.

Col. Votes Dividend

Columbia directors yesterday voted the regular quarterly dividend of 68¾ cents per share on the company's $2.75 convertible preferred stock, payable Nov. 15 to stockholders of Record Nov. 1.

Odeon-G. B.-Woolf Behind $40,000,000 Theatre Merger

(*Continued from page* 1)

would have to go to ordinary shareholders of G.B. and perhaps other amounts to preference shareholders. That the matter of absorbing General Theatres Corp., including Universal Distribution business and the G.T. Theatres would require another $10,000,000. Additional to the Prudential Assurance Co., other financial interests involved comprise the Eagle Star & Dominion Insurance Co., Phillip Hill, prominent financier, and the National Provincial Bank, which has lent large funds to Universal.

Odeon Cinema controls Odeon Theatres, Ltd., and operates approximately 300 houses in England. General Theatres operates around 35 theatres. Bernstein Theatres, Ltd., operates around 36 theatres. Odeon itself may be valued at around $21,000,000, including its subsidiary, the London & Southern, which is its total capitalization at the present time.

Only the other week there was no indication that the Odeon-G.B. talks would result in any prospect of a deal. In fact, it had been felt that a deal was remote. But recently it seems to have been revived and has been given impetus by the fact that in the present discussions Prudential, through Lever, has become interested.

Ascap Laws of 5 States Face Validity Test

(*Continued from page* 1)

ask for dismissal of the proceeding on the ground of unconstitutionality of the state law.

The Florida appeal will be heard by the high court at the same time the Washington case is heard. The high court, likewise, agreed last Monday to review proceedings in this case. The Florida appeal revolves primarily around Ascap's effort to have the present Florida state attorney made a party to its injunction proceedings to restrain the state from enforcing the anti-Ascap law. In this case, too, however, counsel for the society will ask for a dismissal of the proceeding on the ground of unconstitutionality. In neither case has a lower court passed on the constitutionality of the statutes.

Ascap's attack on the Montana law was tried before a Federal statutory court in Butte in April, 1937, but no decision has ever been handed down by that court. The case was fought on the ground of unconstitutionality. The Tennessee and Nebraska cases have not been tried in the lower court.

Mexicans to Boost Product This Fall

(*Continued from page* 1)

pictures had but scant exhibition, for, exhibitors told officials, these films swelled receipts.

The authorities here agreed to fi ure out the average receipts fo whole year in December to est the new year's impost. This w able domestic pictures to have showing in the fall. Twenty st tures are now ready for exhibi

M-G-M Takes Loew

HOLLYWOOD, Oct. 12.—Davi Loew has closed a deal for the rel by M-G-M of "Flirting With Fate," featuring Joe E. Brown.

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS:—*Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address. Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

Holiday Takes Near SRO for B'way Houses

Broadway film houses yesterday proved a strong attraction for the Columbus Day holiday crowds. With the World Series games over and no football games in town, the Rodeo at Madison Square Garden offered the only competition. The weather helped.

Out-of-towners, high school students and families filled the theatres before 11 A. M. It was S. R. O. in many houses until 3:30 P.M. The Paramount, with "If I Were King," grossed $10,000 for the day, approximately $2,500 better than last year. Evening business tapered off somewhat but continued to fill the houses comfortably.

In its ninth week at the Astor, "Marie Antoinette" sold out for both performances. "Drums" at the Music Hall equalled Columbus Day figures set by "Stage Door" last year. The second week's business, ending last night, is estimated at $83,000.

"Straight, Place" Strong

"Straight, Place and Show," at the Roxy played to standing room all day, and "Too Hot to Handle" did a capacity business at the Capitol. Almost half the matinee business at both theatres was accounted for by high school students. "Dark Rapture" was reported "terrific" at the Globe and will be held for an indefinite run. The Strand, which opened at 9 A.M., for the last day of "Secrets of an Actress," had several hundred standees until 3 P. M. A preview of "Broadway sketeers" and the last day of "King lcatraz" filled the Criterion to y.

e offices of the major compare closed for half a day with eption of 20th-Century Fox, full day off was granted.

enck and Goldwyn ave Coast for N. Y.

Hollywood, Oct. 12.—Joseph M. Schenck, chairman of the board of 20th Century-Fox, with Joseph Moskowitz, trained out today for New York. They were here for confabs with Darryl Zanuck.

Samuel Goldwyn is scheduled to leave tonight for the east. Schenck and Goldwyn probably will attend the postponed quarterly meeting of the Hays office, while in the east.

Warners-Tri-States Sign

Warners have closed a deal with Tri-States Circuit for the entire Warner-First National and Cosmopolitan lineup. Ben Kalmenson, western and southern sales manager; Rud Lohrenz, acting midwest district manager; Art Anderson, Des Moines branch manager, and Earl Perkins, Omaha branch manager, acted for Warners, and Ralph Branton and Joe Deitch signed for the circuit.

Denies Theatre Permit

Greensboro, N. C., Oct. 12.—The City Council has turned down the application of E. C. Sutton to erect a film theatre near Greensboro College for Women.

Two More Groups To Attend Parley

The M. P. T. O. of Kentucky and the Theatre Owners and Managers of the Rocky Mountain Region yesterday accepted the invitation of William F. Rodgers to attend the trade practice negotiations here beginning next Wednesday.

Of the eight regional exhibitor organizations not affiliated with either M. P. T. O. A. or Allied States which were asked to send representatives to the conferences, only Allied Theatres of Oregon had not been heard from by yesterday. Six accepted the invitation and the seventh, the West Virginia Managers Association, designated the M. P. T. O. A. as its representative.

The Kentucky organization will be represented by Lee Moffitt, Owensboro; Leo Keiler, Paducah; Richard Martin, Jr., Ashland; C. O. Brown, Middlesboro; Lawrence Davis, Hazard; Fred Dolle and Sam Switow, Louisville.

The Rocky Mountain T. O. M. will meet in Denver tomorrow or Saturday to appoint a committee to represent the organization at the negotiating sessions here.

Allied of Iowa-Nebraska, which indicated its acceptance earlier, yesterday, designated Wesley Mansfield and Leo F. Walcott, president, as its representatives in the negotiations. The two will arrive here Monday and will confer early Wednesday with the distributors' negotiating committee.

Toronto Preparing Film Parade Oct. 22

Toronto, Oct. 12.—Final plans were made here tonight for the Motion Pictures' Greatest Year parade Oct. 22. Entries were received from 14 companies and organizations of independent exhibitors. The committee decided no mention would be made of the "Movie Quiz" contest in connection with the parade because of strained feelings among some exhibitors in connection with the films available.

The parade committee includes Jack Arthur, manager of the Uptown as chairman, and Ben Cronk, James Nairn, Frank O. Byrne, Mike Wilkes and Harold Kay, who represents independents. The independents are assessing themselves two cents per seat for the parade expenses.

Football Ad Films

Advertisers in the south are reported to be taking advantage of the seasonal interest in football games by shooting a full reel of sectional contests and presenting them to local theatres where they are shown immediately after the games. Audience reaction indicates that the films are the most popular commercials made thus far.

Nathanson to Get All U.A. Product Under Peace Pact

N. L. Nathanson (Famous Players Canadian) is to get United Artists Product for this year, and he will get "Drums," Alexander Korda's latest film, additionally.

United Artists sold away from Nathanson last year and relations between the Canadian nabob, his companies and United Artists were very strained. Nathanson also will call off his suit in London by which he wished to compel performance under his interpretation of a contract with United Artists relating to the delivery of "Drums."

Nathanson claimed in London that the picture, having started before the cameras in September, 1937, rightfully belonged to him under an original deal with London Films for Canada. That deal expired in October, 1937. It was claimed that the deal in question expressly provided that Nathanson was to get all of the London Films output made during the period covered by the contract. The picture was completed after the contract had expired.

Now the whole matter has been settled. Nathanson, in New York last week, smoked the pipe of peace with Maurice Silverstone, operating head of United Artists, and a new and better relationship has been formed.

Plan Big Mexican House

Mexico City, Oct. 12.—Construction is scheduled to start this month on a large house to cost 400,000 pesos ($80,000) in Orizaba, Vera Cruz industrial center. The theatre will be built by Compañia de Cines Unidos, S.A. It will seat 2,000, and is to be ready next summer.

CEA Council Battles Over Doubles—And Gets Nowhere

By AUBREY FLANAGAN

London, Oct. 12.—Independents and circuits staged a lively battle today in the general council meeting of the Cinematograph Exhibitors' Association, over the question of running double features, claimed to be a practice of the circuits and vigorously opposed by the independents.

When the smoke cleared after an unusually frank exchange of ideas, the conferees were no nearer a solution of the problem than when they started. The matter will come up for discussion again at next month's meeting, with further consideration planned. Cecil Mathies, independent, started the excitement. The negotiating committee which has been working on the situation reported the chief difficulty to be an agreement on the exact type of film concerned. They pointed out the lack of a definition of what constitutes a long feature. It was suggested the only practicable scheme would be registration by the C.E.A.

It was officially confirmed that the Kinematograph Renters' Society (distributors) is unwilling to consider further the C.E.A. proposals on overbuilding.

It was agreed to hold the 1939 annual C.E.A. convention at Blackpool.

G. N. to Seek Name Talent This Season

Grand National has started negotiations with top bracket acting talent with the aim of building an important player roster for next season, it was said by E. W. Hammons, president, before sailing for England yesterday on the *Normandie*.

Pointing out that the reorganized company's late start prevented any talent deals of consequence with major studio personalities for the 1938-'39 product, Hammons declared he knew of a number who would prefer making fewer pictures and have them released through an independent company which can devote extra effort to selling individual films.

Hammons has been negotiating with Myron Selznick for the release of films to be made on a cooperative percentage arrangement by Ernst Lubitsch, Carole Lombard and others under Selznick's aegis, it is learned. While the Grand National president would not comment on this, he declared he is formulating a plan to induce important talent to affiliate with Grand National.

Says Trend to Big Stars

Hammons said he believed the trend among the big artists is to make a smaller number of pictures a year, as insurance against excessive income taxes. His plan would provide for a top notch player to star in two films a year, and he intends to give it a test during the 1939-'40 season.

The Grand National president was accompanied by Samuel Berkowitz, executive manager of Fine Arts Pictures, which is making a minimum of 26 features for the distributing company. They intend to negotiate a British deal on distribution and acquisition of quota films. Hammons said he has three proposals but that the arrangement with Associated British Film Distributors may continue. The deal with that company expired in August and a renewal has been held up pending the reorganization. Release of the entire program is planned in the United Kingdom.

Hammons has high hopes for Anna Sten, who is to be starred in Grand National releases. He intends to put her in pictures with an American background. A well known co-star is to be signed for her first film, "Exile Express," which is scheduled to start Wednesday.

Kitchenware

Philadelphia, Oct. 12.—For the first time here, dishes are making their appearance on Market Street, the city's "main drag." They are given as premiums at the 333 Market, a Warner third run house.

With the banning of games emphasized by several recent court decisions including a ban on alleged non-gambling games, all Philadelphia is becoming a dish and premium territory.

Errol Fly

The most dramatic role he's ever had . . . made twice as important because WARNER BROS. have co-starred with him, for the first time

Bette Da

with ANITA LOUISE · IAN HUNTER · DONALD CR
BEULAH BONDI · JANE BRYAN · ALAN HALE · DIC
FORAN · HENRY TRAVERS · PATRIC KNOWLES

An ANATOLE LITVAK PRODUCTION

From the Novel by MYRON BRINIG · Screen Play by Milton Krims · Music by Max Steiner

The Sist

nn

•

vis

ers

The SISTERS
MYRON BRINIG
FARRAR & RINEHART

. . . . . Bringing the reader strength of ‘Adverse‘ and ‘Robin Hood‘ and drama strength ranking with filmdom’s mightiest. Truly the story of the year.

“Boys Town” Smash in Two Boston Spots

Boston, Oct. 12.—“Boys Town” took $47,000 at Loew’s State and Loew’s Orpheum in a week that kept patrons standing. Dualled with “The Lady Objects,” the bill drew $27,000 at the Orpheum and $20,000 at the State.

“Four Daughters” and “Campus Confessions” held up well during a second week at the Metropolitan, drawing $9,000.

Estimated takings for the week ending Oct. 8:

“King of Alcatraz” (Para.)
“Touchdown Army” (Para.)
FENWAY—(1,382) 6 days (25c-30c-40c-55c) Gross: $4,500. (Average, $4,000)

“Boys Town” (M-G-M)
“Lady Objects” (Col.)
LOEW’S ORPHEUM—(2,970) (25c-35c-40c-55c) 7 days. Gross: $27,000. (Average, $12,000)

“Boys Town” (M-G-M)
“Lady Objects” (Col.)
LOEW’S STATE—(3,537) (25c-30c-40c-55c) 7 days. Gross: $20,000. (Average, $11,000)

“Four Daughters” (W.B.)
“Campus Confessions” (Para.)
METROPOLITAN — (4,332) (25c-35c-40c-55c) 7 days. Gross: $9,000. (Average, $11,000)

“King of Alcatraz” (Para.)
“Touchdown Army” (Para.)
PARAMOUNT—(2,097) (25c-30c-40c-55c) 6 days. Gross: $7,000. (Average, $6,000)

“Youth Takes a Fling” (Univ.)
“Affairs of Annabel” (RKO)
RKO MEMORIAL — (2,790) (25c-40c-55c-65c) 7 days. Gross: $11,000. (Average, $13,000)

Goodman, “Giants” Minneapolis Lead

Minneapolis, Oct. 12.—Led by the combination of Benny Goodman’s band and “Valley of the Giants” Orpheum records were smashed here by a $26,500 gross.

“Boys Town” at the State took $12,800. Par is $4,400. “Three Loves Has Nancy” also fared well, doing $5,800 at the Century compared with a normal of $4,000.

Estimated takings for the week ending Oct. 6:

Minneapolis:

“Three Loves Has Nancy” (M-G-M)
CENTURY—(1,600) (25c-40c), 7 days. Gross: $5,800. (Average, $4,000)

“Valley of the Giants” (W. B.)
ORPHEUM—(2,900) (35c-55c) 7 days. Stage: Benny Goodman and His Band. Gross: $26,500. (Average, $4,800)

“Boys Town” (M-G-M)
STATE—(2,300) (25c-40c) 7 days. Gross: $12,800. (Average, $4,400)

“The Charm of La Boheme” (International)
WORLD—(400) (25c-55c) 6 days. Gross: $1,300. (Average, 7 days, $1,600)

St. Paul:

“Valley of the Giants” (W. B.)
ORPHEUM—(2,000) (25c-40c) 6 days. Gross: $2,000. (Average, $3,200)

“Boys Town” (M-G-M)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: $7,500. (Average, $4,400)

“Rich Man, Poor Girl” (M-G-M)
RIVIERA—(1,000) (25c) 7 days. Gross: $1,900. (Average, $2,400)

“King of Alcatraz” (Para.)
“The Chaser” (M-G-M)
TOWER—(1,000) (25c) 7 days. Gross: $2,200. (Average, $1,600)

“Kathleen” (Foreign)
“Club de Femmes” (Foreign)
WORLD—(400) (25c-35c) “Kathleen,” 5 days; “Club,” 2 days. Gross: $700. (Average, $700)

Out Hollywood Way

Hollywood, Oct. 12.—Bette Davis and Errol Flynn, teamed in “The Sisters,” will be seen together again in Warners’ “Queen Elizabeth.” . . . Bob Burns’ next for Paramount will be “I’m From Missouri,” with Gladys George opposite.

Mary Carlisle has replaced Evelyn Keyes, ailing with appendicitis, in Paramount’s “Say It In French.” . . . Ann Ronell has been signed by Universal to write American lyrics for two classical songs which Deanna Durbin will sing in “That Certain Age.” . . . John B. Nathan, Paramount’s general manager in Argentina, Paraguay and Uruguay, is here for a series of conferences on studio product.

John Payne has been chosen for the top role of Warners’ “Row, Row, Row,” a sequel to “Brother Rat” . . . Wayne Morris, Johnny (Scat) Davis, and Ronald Reagan will have featured parts . . . Patricia Morrison, former fashion designer, has arrived to make her film debut in Paramount’s “Persons in Hiding.”

+

Casting—Samuel S. Hinds in “West Side Miracle,” and Betty Blythe in “Little Tough Guys in Society,” Universal . . . Terry Kilbourne has been borrowed from M-G-M for Roach’s “Topper Takes a Trip” . . . Grant Mitchell replaces Ralph Morgan as the male lead of Standard’s “The Headleys at Home.” . . . Antonio Moreno will have a featured part in Paramount’s “Ambush,” which will star Gladys Swarthout . . . Sidney Toler in “King of Chinatown,” Paramount . . . Maurice Costello in “Nuts and Bolts,” M-G-M short . . . Warner placements: Irving Bacon in “They Made Me a Criminal”; John Carroll in “Swingtime in the Movies,” short subject; Humphrey Bogart and Donald Crisp in “Oklahoma Kid”; Fred Koehler, Tim Holt, Mayo Methot and Guinn Williams in “Dodge City.”

+

Writers—Dorrell and Stuart McGowan, brother writing team recently at Republic, have gone over to M-G-M . . . Hal Roach has borrowed Walter DeLeon from Paramount to write the script for “This Time It’s Love,” first of the Oliver Hardy-Harry Langdon series . . . Norman Reilly Raine is developing the screenplay of “The Roaring Road” at Warners.

+

Contracts—Warners has extended the contract of Lloyd Bacon, who has been with the lot for 12 years . . . M-G-M has signed Tom Neal and Jack Carlton, as actors; Edith Fitzgerald, scenarist, and has extended the contract of George Bassman, musical arranger.

+

Directors—Richard Harlan, assistant director on Paramount’s “Ambush,” to direct “Radio Troubadour,” the all-Spanish picture which Dario Faralla will produce for Paramount.

+

Story Buys—“The First Co-Ed,” an original by Mary McCall, Jr., and Stanley Rauh, has been purchased by Samuel Goldwyn . . . Edward Small has acquired Howard Spring’s “My Son, My Son.”

Monogram Adds Three

Three additions have just been made to the Monogram sales force. Earl F. Taylor has been made office manager and booker at Washington, Herman Marks has been put in charge of booking at Chicago, and Robert Drew has become a salesman in the Cincinnati exchange.

Wheaton Rejoins G. N.

Denver, Oct. 12.—C. L. Wheaton has been rehired as office manager and booker at the Grand National exchange.

“Daughters” Chicago Hit; Gets $49,000

Chicago, Oct. 12.—“Four Daughters” aided by Veloz & Yolanda, gave the Chicago an excellent $49,000. The World’s Series crowds helped night business in the Loop and bolstered business there considerably.

At the Roosevelt “Valley of the Giants” was a strong attraction and took $14,600 above normal. Elsewhere business was nothing to brag about.

Estimated takings for the week ending Oct. 5-6:

“Sing You Sinners” (Para.)
APOLLO—(1,400) (35c-55c-65c) 7 days. Gross: $6,300. (Average, $6,500)

“Four Daughters” (W. B.)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Veloz & Yolanda & Revue. Gross: $49,000. (Average, $32,000)

“Touchdown Army” (Para.)
GARRICK—(900) (30c-40c-50c) 7 days. Gross: $5,200. (Average, $6,500)

“Youth Takes a Fling” (Univ.)
PALACE—(2,500) (35c-55c-75c) 7 days. Stage: Count Bernevici’s Revue. Gross: $16,500. (Average, $19,000)

“Rich Man, Poor Girl” (M-G-M)
STATE-LAKE—(2,776) (20c-25c-30c) 7 days. Stage: Vaudeville Revue. Gross: $12,500. (Average, $13,000)

“Valley of the Giants” (W. B.)
ROOSEVELT—(1,300) (35c-55c-75c) 7 days. Gross: $14,602. (Average, $11,000)

“Algiers” (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75) 7 days, 2nd week. Gross: $13,500. (Average, $15,000)

“Can’t Take” Big In Omaha, $7,400

Omaha, Oct. 12.—“You Can’t Take It With You,” at the Brandeis, did the only exceptional business for the week, grossing $7,400 in seven days. It was held a second week.

“Boy Meets Girl” and “Gateway” pulled $8,100 in seven days at the Orpheum. “Marie Antoinette,” with $7,300 in nine days at the Omaha, broke even.

Estimated takings for the week ending Oct. 5-6:

“You Can’t Take It With You” (Col.)
BRANDEIS—(1,200) (25c-35c-40c) 7 days. Gross: $7,400. (Average, $4,000)

“Marie Antoinette” (M-G-M)
OMAHA—(2,200) (25c-40c) 9 days. Gross: $7,300. (Average, $5.500)

“Boy Meets Girl” (W. B.)
“Gateway” (20th-Fox)
ORPHEUM—(3,000) (25c-40c) 7 days. Gross: $8,100. (Average, $7,200)

“Moon” with Show $20,500 Philadelphia

Philadelphia, Oct. 12. — “Garden of the Moon,” with Wayne Morris and Johnny (Scat) Davis on the stage at the Earle, went out front in a big way with a take of $20,500. This was $6,500 into the profit column.

The other big draw of the week was “Boys Town” which held up to $14,000 at the Aldine in the 10 days which included the third week. This ended the run. “Marie Antoinette” took $16,000 in its second week at the Boyd and was held for another.

“Boys Town” (M-G-M)
ALDINE—(1,300), (40c-55c-65c-75c), 10 days, 3rd week. Gross: $14,000. (Average, 7 days, $8,160)

“Give Me a Sailor” (Para.)
(2nd run)
ARCADIA—(600) (25c-40c-55c) 3 days. Gross: $600. (Average, 7 days, $2,800)

“Marie Antoinette” (M-G-M)
BOYD—(2,400) (40c-55c-65c) 7 days, 2nd week. Gross: $16,000. (Average, $14,000)

“Garden of the Moon” (W. B.)
EARLE—(2,000) (25c-40c-55c) 6 days. Stage: Johnny (Scat) Davis and orchestra with Wayne Morris. Gross: $20,500. (Average, $14,000)

“Hold That Co-ed” (20th-Fox)
FOX—(3,000) (40c-55c-65c-75c) 7 days. Stage: Ina Ray Hutton Band, 6 days. Gross: $16,000. (Average, $14,000)

“Four Daughters” (W. B.)
(2nd run)
KARLTON—(1,000) (25c-40c-55c) 7 days, 2nd week. Gross: $3,300. (Average, $4,000)

“Straight, Place and Show” (20th-Fox)
(2nd run)
KEITH’S—(2,000) (25c-40c-55c) 7 days. Gross: $2,700. (Average, $4,000)

“Room Service” (RKO)
STANLEY—(3,700) (40c-55c-65c) 7 days. Gross: $14,500. (Average, $14,000)

“Road To Reno” (Univ.)
STANTON—(1,700) (25c-40c-55c) 7 days. Gross: $4,700. (Average, $7,000)

“Can’t Take” Set Fast Seattle

in at 500. rn”

Seattle, Oct. 12.—“You Ca sed It With You” set a terrific the Liberty, grossing $10,500, ys was more than double normal f house. It was held.

“Boys Town,” on a dual w “Safety in Numbers,” pulled a strong $8,400 at the Fifth Avenue and was moved to the Blue Mouse. “Marie Antoinette” held up to $3,750 in its third week of an extended run from the Fifth Avenue and was continued.

Estimated takings for the week ending Oct. 7:

“Four’s a Crowd” (W. B.)
BLUE MOUSE—(950) (30c-40c-55c) 7 days, 2nd week, extended run from Orpheum. Gross: $3,500. (Average, $4,000)

“Boys Town” (M-G-M)
“Safety in Numbers” (20th-Fox)
FIFTH AVENUE—(2,500) (30c-40c-55c) 7 days. Gross: $8,400. (Average, $7,000)

“You Can’t Take It With You” (Col.)
LIBERTY—(1,800) (20c-30c-40c-55c) 7 days. Gross: $10,500. (Average, $5,000)

“Marie Antoinette” (M-G-M)
MUSIC BOX—(950) (30c-40c-55c) 7 days, 3rd week, extended run from Fifth Avenue. Gross: $3,750. (Average, $4,000)

“Breaking the Ice” (20th-Fox)
“Give Me a Sailor” (Para.)
ORPHEUM—(2,450) (30c-40c), 7 days. Gross: $5,100. (Average, $6,000)

“Barefoot Boy” (Monogram)
“The Devil’s Party” (Univ.)
PALOMAR—(1,500) (15c-25c-35c) 7 days. Vaudeville headed by Del Ohrel. Gross: $4,200. (Average, $4,500)

“Hold That Co-ed” (20th-Fox)
PARAMOUNT—(3,050) (30c-40c) 7 days. Stage: “Jitterbug Jamboree.” Gross: $6,150. (Average, $6,000)

"A NATURAL FOR BIG B.O.! WORTH FIVE TIMES THE ENTRANCE FEE! A LUCKY THING FOR AUDIENCES QUINS WERE BORN!"

—applauds Hollywood Reporter

"Will attract heavy grosses! A screen event and boxoffice accelerator. No audience will be able to resist Quins appeal!" —*Daily Variety*

"Should do very well at the boxoffice. One of 20th's most easily marketable films . . . a ready-made audience of millions!" —*Picture Reports*

"Should easily top draw of 'Country Doctor' . . . a stronger story...enhanced entertainment values!" —*The Exhibitor*

"A hit at preview! The sort of picture the whole family will enjoy! Best Quins picture!" —*L. A. Examiner*

"Bound to prove that Five of a Kind will go a long way to beat almost anything! Quins hit again!" —*L. A. Times*

"Charm and appeal of world's most famous children puts this in big boxoffice classification!" —*Boxoffice*

Copyright 1938
NEA SERVICE, Inc.

The Dionne Quintuplets

Growing up—in their third and best feature picture

FIVE OF A KIND

with

JEAN HERSHOLT
CLAIRE TREVOR
CESAR ROMERO

SLIM SUMMERVILLE · HENRY WILCOXON
INEZ COURTNEY · JOHN QUALEN
JANE DARWELL · PAULINE MOORE

Executive Producer Sol M. Wurtzel

Directed by Herbert I. Leeds · Original screen play by Lou Breslow and John Patrick · Song: "All Mixed Up" by Sidney Clare and Samuel Pokrass · Scenes of the Dionne Quintuplets photographed under the technical direction of Dr. Allan R. Dafoe

The show for every heart and every age . . . and every theatre in the land!

20th CENTURY FOX
THE KEYSTONE OF YOUR FUTURE

Paramount Pictures

FORWA

with

This, more than ever before in the history of the motion picture industry, is a time of thanksgiving. Thanksgiving that the world is not whirling into the chaos of war. Thanksgiving that the hearts of our own country are lighter. Thanksgiving that the wheels of industry once more are turning, that the business indices show steadily mounting gains, that our hopes and our faith in America and American enterprise are once more gloriously justified.

More than that, this is a time for us to be proud of our own industry. Proud of the courage and the enterprise which every single motion picture company has shown during recent months, the courage and the enterprise which created, during months of despair, the very pictures now making record showings at the nation's box office. Such pictures as Metro's "Marie Antoinette," R-K-O's "Room Service," 20th Century-Fox's "Alexander's Ragtime Band," United Artists' "Drums," Warner Bros.' "Four Daughters," Columbia's "You Can't Take It With You," Universal's "That Certain Age."

RD...

grateful hearts...

Proud of the spirit of cooperation and good-will which made the great united front of the Motion Picture Industry drive possible. Proud of the fact that the words of criticism hurled at us during those worried months last Spring and Summer have returned to haunt their small-visioned authors . . .

While we write this, crowds of joyous fans are storming the doors of the New York Paramount Theatre to see "If I Were King." Another hit is about to take its place among such new record breakers as "Sing You Sinners" and "Spawn of the North." The critics confirm our belief that "The Arkansas Traveler" is another potential smash. And there need be no guesswork about "Men With Wings." The hope and faith which kept us planning and working and spending during the Spring and Summer are bringing golden returns . . .

So, last but not least of all, we say this, is a time to go forward with even greater courage, with even greater enterprise. And we at Paramount, with grateful hearts for this pleasant present, promise to our exhibitors and to our industry that we shall strive with every energy we have toward an even grander, more glorious future.

Paramount Pictures

“Drums” Sets Fast Pace at Los Angeles

Los Angeles, Oct. 12.—“You Can't Take It With You” was still the outstanding grosser here in its second week at the Hillstreet and the Pantages. At the former it pulled $13,000 and at the latter $14,500, both about 100 per cent over normal.

“Drums” was in the hit class with a take of $6,890 at the 4-Star.

Estimated takings for the week ending Oct. 12:

“Straight, Place and Show” (20th-Fox)
“Time Out for Murder” (20th-Fox)
CHINESE—(2,500) (30c-75c) 7 days. Gross: $8,838. (Average, $12,500)

“Drums” (U. A.)
4 STAR—(900) (40c-55c) 7 days. Gross: $6.890. (Average, $3,250)

“You Can't Take It With You” (Col.)
HILLSTREET—(2,700) (30c-65c) 7 days, 2nd week. Gross: $13,000. (Average, $6,500)

“Straight, Place and Show” (20th-Fox)
“Time Out for Murder” (20th-Fox)
LOEW'S STATE—(2,500) (30c-75c) 7 days. Gross: 10,260. (Average, $14,000)

“You Can't Take It With You” (Col.)
PANTAGES—(3,000) (30-65c) 7 days, 2nd week. Gross: $14,500. (Average, $7,000)

“Campus Confessions” (Para.)
PARAMOUNT—(3,595) (30c-65c) 7 days. Stage: Gene Autry, Betty Grable, Pat Rooney, Jr., F. & M. revue, Rube Wolf and his orchestra. Gross: $14,000. (Average, $18,000)

“Girls on Probation” (F. N.)
“Secrets of an Actress” (F. N.)
WARNER BROS. (HOLLYWOOD)—(3,000) (30c-65c) 7 days. Gross: $11,500. (Average, $14,000)

“Girls on Probation” (F. N.)
“Secrets of an Actress” (F. N.)
WARNER BROS. (DOWNTOWN)—(3,400) (30c-65c) 7 days. Gross. $13,200. (Average. $12,000)

“Too Hot” $12,000 Milwaukee Leader

Milwaukee, Oct. 12.—The week's big money went to “Too Hot to Handle” and “The Chaser” which grossed $12,000 at Fox's Wisconsin. This was $4,000 to the good and the bill was held over.

Second money went to “Algiers” and “Mr. Doodle Kicks Off” at the Warner with $8,000, just $3,000 above average. “Three Loves Has Nancy” and “The Lady Objects” collected $6,000, $1,000 up, at the Palace.

Estimated takings for the week ending Oct. 6:

“Three Loves Has Nancy” (M-G-M)
“The Lady Objects” (Col.)
PALACE—(2,400) (35c-50c) 7 days. Gross: $6,000. (Average, $5,000)

“Highway Patrol” (Col.)
RIVERSIDE—(2,300) (25c-30c) 7 days. Stage: World Fair Prevue. Gross: $5,600. (Average, $5,000)

“Boys Towns” (M-G-M)
“Speed To Burn” (20th-Fox)
STRAND—(1,400) (35c-50c) 7 days. Gross: $5,000. (Average, $4,500)

“Algiers” (U. A.)
“Mr. Doodle Kicks Off” (RKO)
WARNER—(2,400) (35c-50c) 7 days. Gross: $8.000. (Average, $5.000)

“Too Hot To Handle” (M-G-M)
“The Chaser” (M-G-M)
WISCONSIN—(3,200) (35c-50c) 7 days. Gross: $12,000. (Average, $8.000)

Change Ridgewood Law

A law requiring a license fee of $50 for every placard used on the streets of Ridgewood, N. J., will not be enacted in its present form, according to a decision of the city council. The proposal affects theatre advertising.

Hollywood Previews

“Torchy Gets Her Man”

(Warners)

Hollywood, Oct. 12.—There's a lot of excitement, mystery, comedy and romance in this episode of the “Torchy Blane” series. Effectively put across, with the leading players, Glenda Farrell, Barton MacLane, Frank Shannon and Willard Robertson, checking in expert performances, the combination makes for fast-moving entertainment. Story twists, production details, the favor with which the series has met plus prestige of name values constitute the basis for some new exploitation ideas.

A racetrack is the major locale. As usual, Miss Farrell's womanly intuition and her nose for news rescue Detective MacLane from an embarrasing predicament. Assigned to break up a counterfeit ring, MacLane installs Robertson, a suave crook, as a mutuel window clerk. Through Kennedy, the detective's comedy stooge, Miss Farrell gets news of his whereabouts. Immediately suspecting Robertson of being a double dealer, Glenda enlists the aid of Kennedy and a police dog in exposing him. The action threatens peril to the girl, but a message which the dog brings confirms MacLane's suspicions of Robertson. When put in a position where he either must confess his guilt and save Miss Blane or die with them, Robertson breaks down. Miss Farrell and MacLane patch up their differences until the next case comes along.

Albert DeMond's original screenplay makes possible a plausible set of situations and characterizations. William Beaudine's direction, particularly in the manner in which he uses the dog, is a workmanlike job.

Running time, 60 minutes. “G.” G. McC.

“The Last Express”

(Crime Club-Universal)

Hollywood, Oct. 12.—“The Last Express,” another in the series of crime melodramas Crime Club is producing for Universal release, has a difficult title for exploitation purposes, but its content is fast moving entertainment distinguished from the previous Crime Clubbers by a more compact story, liberal sprinkling of comedy, and definitely established characterizations. It is a story of political corruption in New York City, and a portion of the action takes place in the maze of subways under the city. From this the title is derived. The story is based on Maynard Kendrick's novel, “The Last Express,” and the screenplay by Edmund L. Hartmann is replete with humor and tenseness.

Kent Taylor, as the smooth talking private detective, and his stooge, Don Brodie, have the outstanding roles. They are supported by Dorothea Kent, Paul Hurst, Addison Richards, Greta Granstedt, Robert E. Keane, J. Farrell MacDonald, Edward Requello, Albert Shaw, Samuel Lee and Charles Trowbridge. Otis Garrett milked the plot to its utmost to present a well rounded bit of screen fare aimed at crime melodrama fans. Irving Starr was the producer.

Taylor and Brodie, hired to make a “payoff” for a gangster for evidence condemning the criminal, are menaced by the gang when the evidence is stolen. They are also confronted by police who suspect them as murderers, and are embarrassed in their search for the evidence by the murder of a special prosecutor. In the Crime Club formula, the suspects are all rounded up at the climax, with Taylor presenting the solution.

Running time, 60 minutes. “G.” Vance King

“Down on the Farm”

(20th Century-Fox)

Hollywood, Oct. 12.—Fun on the farm is the basis of the entertainment provided in “Down On the Farm.” The picture is more a series of humorous episodes than it is the development of a story. Three newcomers, Louise Fazenda, Eddie Collins and chunky little Dorris Bowdon, join the familiar “Jones Family” cast with beneficial results.

The “Jones Family” goes on a country vacation after over-zealous firemen wreck their home. George Ernest is hilariously hazed by Miss Bowdon, Louise Fazenda gives demonstrations of her stentorian vocal ability and Prouty and Collins check in many laughs as they over-indulge in a jug of corn liquor. Russell Gleason gets Prouty involved in a corn husking contest. Melodramatic complications ensue as a couple of city slicker politicians conspire to have Prouty kidnapped. Rescued by Ernest and Miss Bowdon, he arrives at the scene of the corn husking match in the nick of time and emerges the winner.

Although funnier than some, it maintains the established tradition. Homer Croy, Frank Fenton and Lynn Root concocted the original story which Robert Ellis and Helen Logan transcribed to screenplay form. Malcolm St. Clair directed.

Running time, 60 minutes. “G.” G. McC.

“Can't Take” Washington's Top, $21,300

Washington, Oct. 12.—“You Can't Take It With You” at Warners' Ea[illegible] did $21,300 last week. As a result, [illegible] management reversed a policy of 10 years' standing and booked the film for a second week.

A return of “Boys Town” did average business at Loew's Palace. “Three Loves Has Nancy,” at Loew's Columbia, and “Four Daughters,” at Warners' Metropolitan, were over par.

Estimated takings, exclusive of tax, for the week ending Oct. 6:

“Algiers” (U. A.)
LOEW'S CAPITOL—(3,434) (25c-66c) 7 days. Stage: Cass Owens and Topsy, Sybil Bowan and Chester Hale Girls. Gross: $15,500. (Average, $16,500)

“Boys Town” (M-G-M)
LOEW'S PALACE—(2,370) (25c-55c) 7 days, 2nd week. Gross: $11,000. (Average, $11,500)

“You Can't Take It With You” (Col.)
WARNERS' EARLE—(2,218) (25c-66c) 7 days. Stage: Lucy Monroe, Gaston Palmer, 16 Roxyettes. Gross: $21,300. (Average, $16.000)

“Room Service” (RKO)
RKO-KEITH'S—(1,836) (25c-40c) 6 days, 2nd week. Gross: $5,300. (Average, $10,000)

“Three Loves Has Nancy” (M-G-M)
LOEW'S COLUMBIA—(1,243) (25c-40c) 7 days. Gross: $4.500. (Average, $4,200)

“Four Daughters” (W. B.)
WARNERS' METROPOLITAN—(1,591) (25c-40c) 7 days. Gross: $5,650. (Average, $4.000)

“Saddles,” Austin High at Oklahoma

Oklahoma City, Oct. 12.—“Songs and Saddles,” helped by a personal appearance of Gene Austin and Co[illegible] and Candy for three days, turned [illegible] the only strong gross of the wee[illegible] the Liberty. The take was $2[illegible] “Block Heads” and “Speed to B[illegible]” played the first four days and gro[illegible] $1,900.

“Carefree” took $1,400 in four da[illegible] of a second week at the Tower.

Estimated takings for the week ending Oct. 6-7:

“The Amazing Dr. Clitterhouse” (F. N.)
CRITERION—(1,500) (25c-35c-40c) 7 days. Gross: $4.000. (Average, $5,200)

“Block Heads” (M-G-M)
“Speed to Burn” (20th-Fox)
LIBERTY—(1,200) (20c-25) 4 days. Gross: $1.900. (Average, $1,800)

“Songs and Saddles” (Roadshow Att.)
LIBERTY—(1,200) (25c-35c-40c) 3 days. Stage: Gene Austin and Coco and Candy. Gross: $2,500. (Average, $2,500)

“Room Service” (RKO)
MIDWEST—(1,500) (25c-35c-40c) 7 days. Gross: $2,800. (Average, $4,500)

“The Lady Objects” (Col.)
“Juvenile Court” (Col.)
STATE—(1,500) (25c-35c-40c) 7 days. Gross: $2,200. (Average, $2,500)

“Carefree” (RKO)
TOWER—(1,000) (25c-35c) 4 days, 2nd week, moved from Midwest. Gross: $1,400. (Average. $2.500)

“Affairs of Annabel” (RKO)
TOWER—(1,000) (25c-35c) 3 days. Gross: $300.

Petroff Joins Mae West

Hollywood, Oct. 12.—Boris Petroff, formerly an independent producer whose last release arrangement was two years ago through Grand National, has joined the production staff of Mae West Empire Pictures Co.

The release for the Mae West product has not been set.

"Boys Town" Leads Frisco Gross Pickup

San Francisco, Oct. 12.—Grosses on a new high for the season with a total of $91,250, over normal by $8,450. "Boys Town" led the first run parade with $23,000 at the Fox. This beat par by $6,000.

"Room Service" at the Golden Gate, with $17,500, was in the black by $1,500.

Estimated takings in the week ending Oct. 3-7:

"Youth Takes a Fling" (Univ.)
"City Streets" (Col.)
ORPHEUM—(2,440) (15c-35c-40c-55c), 9 days. Gross: $7,800. (Average, $8,500)
"Room Service" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days. Stage: vaudeville. Gross: $17,500. (Average, $16,000)
"Drums" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c-65c) 7 days, 2nd week. Gross: $9,500. (Average, $7,000)
"Straight, Place & Show" (20th-Fox)
PARAMOUNT—(2,740) (15c-35c-40c-55c-75c) 7 days. Gross: $15,000. (Average, $13,000)
"Boys Town" (M-G-M)
"Vacation From Love" (M-G-M)
FOX—(5,000) (15c-35c-40c-55c-75c) 7 days. Gross: $23,000. (Average, $17,000)
"Four Daughters" (W. B.)
"The Higgins Family" (Republic)
ST. FRANCIS—(1,400) (15c-35c-40c-55c-75c) 7 days, 3rd week. Gross: $5,600. (Average, $7,000)
"Tco Hot To Handle" (M-G-M)
WARFIELD—(2,680) (15c-35c-40c-55c-75c) 7 days, 2nd week. Gross: $12,000. (Average, $13,000)
"Life & Loves of Beethoven" (World)
CLAY—(400) (15c-35c-40c) 7 days. Gross: $850. (Average, $1,300)

"Take It" Smash [illegible] Buffalo Grosser

Buffalo, Oct. 12. — "You Can't [illegible] It With You" is carrying the [illegible]est box-office punch here. Play[illegible]he Lafayette at roadshow rates [illegible] cents-35 cents-50 cents, it turned $17,000, where average is $6,300. "Boys Town" and Rudy Vallee's Connecticut Yankees earned $19,300 for the Buffalo in eight days. "Valley of the Giants" and "Crime Ring" at the Century did $7,300. The weather was fine.

Estimated takings for the week ending Oct. 8:

"Boys Town" (M-G-M)
BUFFALO—(3,000) (30c-55c) 8 days. (On stage, Rudy Vallee and orchestra). Gross: $19,300. (Average, $12,000)
"Room Service" (RKO)
GREAT LAKES—(3,000) (30c-50c) 7 days Gross: $6,800 (Average, $7,500)
"Too Hot to Handle" (M-G-M)
HIPPODROME—(2,500) (25c-40c) 7 days. (Second week.) Gross: $5,800. (Average. $6,800)
"Valley of the Giants" (W.B.)
"Crime Ring" (RKO)
CENTURY—(3,000) (25c) 7 days. Gross: $7,300. (Average, $6,000)
"You Can't Take It With You" (Col.)
LAFAYETTE—(3,300) (25c-35c-50c) 7 days. (Held over.) Gross: $17,000. (Average, $6,300)

Republic in Seattle Deal

The Sterling Theatres circuit has closed a deal for Republic's output for its 16 theatres in Seattle, including the first run Palomar. John Danz and William Foreman acted for the circuit in the deal, with James R. Grainger, Grover C. Parsons, Republic western district manager, and Edward Walton, Seattle branch manager.

New York Preview

"Young Dr. Kildare"

(M-G-M)

Lew Ayres is more than a little responsible for the entertainment value of "Young Dr. Kildare," which concerns a young interne who does a bit of detective work on the side. The result is a measure of excitement, a well-paced film and a reflective glow on one side of the medical procession, embodied in the person of Lionel Barrymore, as a diagnostic genius confined to a wheel chair.

Excitement and mystery engage the attention of the young interne, who decides to forego the small town practice he could have by assisting his father, for the chance to find his niche in the profession via a great New York hospital. He comes to the attention of the irritable, domineering Barrymore, who carefully conceals his interest under a torrent of abuse.

Ayres, on an ambulance case, revives a young girl who had attempted suicide, and despite the efforts of the hospital chiefs to treat the girl as insane, he insists she is sane. His conviction leads him into amateur detection, and trouble with his superiors which almost causes his dismissal, but through the assistance of Barrymore, he saves the girl from an asylum and finds his goal, a post as aide to Barrymore.

Samuel S. Hinds, Emma Dunn, Jo Ann Sayers, Nat Pendleton and Lynne Carver are chiefly concerned in the support. Harold S. Bucquet directed from a screenplay by Harry Ruskin and Willis Goldbeck and an original story by Frederick Faust.

Running time, 81 minutes. "G." CHARLES S. AARONSON

Short Subject Reviews

"The Great Big Cat and The Little Mousie"

(Universal)

An overfed cat chases a spry and hungry mouse in this Walter Lantz cartoon. The mouse makes several successful forays into the cat's milk saucer, is caught, then talks himself out. Should delight the children. Running time, 7 mins. "G."

"Stranger Than Fiction, No. 55"

(Universal)

Eight amusing oddities make up this reel. A trick bird learns to fetch a bucket containing a sunflower seed, a factory does a worldwide business manufacturing mud, and "Yankee Doodle" is played on a new type musical instrument, a toy balloon. Running time, 9 mins. "G."

"Mere Kendricks and His Orchestra"

(Warners)

For those who like a modern band, which is rather undistinguishable among such groups, plus a dance by Marion Wilkins and Jack Walters, and a vocal rendition by Miriam Grahame, this subject probably will be entertaining. Running time, 10 mins. "G."

"Aladdin's Lantern"

(M-G-M)

One of the Our Gang comedies, this is amusing and will be especially entertaining for the youngsters. Spanky and his pals dramatize the story of Aladdin and his Lamp, which affords an opportunity for the display of talent on the part of several clever youngsters. Running time, 10 mins. "G."

"Nostradamus"

(M-G-M)

One of the "Historical Mysteries" group, this subject recounts in interesting and well produced dramatic fashion the story of Michael de Nostradamus, doctor of the 16th Century, who foretold the Black Plague, saw his loved ones die, and devoted the rest of his life to a volume of verses in which he prophesied events of the following 300 years, carrying to our own day. An unusually fine subject. Running time, 11 mins. "G."

"City of Little Men"

(M-G-M)

The story of Boys Town, Neb., is told in a short subject, with Father Flanagan, founder of that distinguished community, himself appearing to tell of the value of the work done, and the subject picturing the splendid work carried on at the self-sustaining community. Interesting and intelligent material, well presented. Running time, 11 mins. "G."

"Think It Over"

(M-G-M)

The dramatically effective series, "Crime Does Not Pay," herein turns to arson, and makes a strong dramatic story of the manner in which the firebugs work, preying on small business men who are in financial difficulty. The detection of the arsonists, played against a background of racing engines and roaring fires, makes for exciting screen material, in addition to its lesson value. Running time, 20 mins. "G".

"Streamlined Swing"

(M-G-M)

A group of colored boys demonstrate unusual skill in a vocal effort without instruments other than a guitar. Against a background of a Pullman train crew who are "given" a car, which they convert into a restaurant, they exhibit their cleverness. Entertaining. Running time, 9 mins. "G."

"Cairo, City of Contrast"

(M-G-M)

An interesting and colorful travel subject in beautiful color, picturing the highlights of the activity of Cairo, and emphasizing the strange contrast of the East and the West which characterizes the city. A FitzPatrick travel subject of a high order. Running time, 9 mins. "G."

"Can't Take" Hits $21,000 At Cleveland

Cleveland, Oct. 12.—"You Can't Take It With You" was the hit of the week, going $9,000 over average to a $21,000 gross at Warners' Hippodrome. It was held a second week.

"Too Hot to Handle" at Loew's Stillman on a moveover from Loew's State, topped average by 30 per cent. The gross was $6,500, up by $4,000.

Estimated takings for the week ending Oct. 7:

"Breaking the Ice" (RKO)
(3 days)
"Smashing the Rackets" (RKO)
(4 days)
ALLEN—(3,000) (30c-35c-42c) 7 days. Gross: $4,800. (Average, $4,000)
"You Can't Take It With You" (Col.)
WARNER'S HIPPODROME — (3,800) (30c-35c-42c) 7 days. Gross: $21,000. (Average, $12,000)
"Hold That Co-ed" (20th-Fox)
RKOK PALACE—(3,100) (30c-42c-55c) 7 days. Stage: Stroud Twins, Ice Carnival and vaudeville. Gross: $15,000. (Average, $15,000)
"Sing You Sinners" (Para.)
LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: $9,000. (Average, $15,000)
"Too Hot To Handle" (M-G-M)
LOEW'S STILLMAN—(1,900) (30c-35c-42c) 7 days, 2nd week. Gross: $6,500. (Average, $5,000)

"Carefree" Leads Way in Montreal

Montreal, Oct. 12. — "Carefree," topping a dual at the Capitol, grossed $10,500 to lead the way. "Rich Man, Poor Girl" took $10,500 at Loew's but with the assistance of eight acts of vaudeville under the new policy, average here being $8,000.

Chief opposition was the stage show "Shadow and Substance," starring Sir Cedric Hardwicke, at His Majesty's Theatre. The weather was cool with some rain.

Estimated takings for the week ending Oct. 8:

"Carefree" (RKO)
"This Marriage Business" (RKO)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: $10,500. (Average, $9,500)
"Rich Man, Poor Girl" (M-G-M)
LOEW'S — (2,800) (25c-40c-50c) 7 days. Stage: Eight vaudeville acts. Gross: $10,500. (Average, $8,000)
"The Gladiator" (Col.)
"Man's Castle" (20th-Fox)
ORPHEUM—(919) (25c-35c-50c) 7 days. Gross: $5,000. (Average, $5,000)
"Marie Antoinette" (M-G-M)
PALACE—(2,600) (25c-40c-55c-65c) 7 days. Gross: $8,500. Second week. (Average, $11,000)
"Mother Carey's Chickens" (RKO)
"I'm from the City" (RKO)
PRINCESS—(2,272) (25c-35c-50c-65c) 7 days. Gross: $7,000. (Average, $7,000)

CBS Will Sell Broadcast by Philharmonic

The broadcast of the New York Philharmonic Orchestra on CBS, for years a taboo program to sponsors, now is being offered for commercial sale by the network, it was learned yesterday. Asking price for the series is about $30,000 per broadcast. The Philharmonic broadcasts 30 concerts a season.

For years they have been kept from the CBS commercial schedule, the network believing no price could compensate for the prestige of keeping it on sustaining as a cultural feature. The Philharmonic has been a CBS feature for about 10 years, with CBS paying the orchestra $1,000 a week for the broadcasts.

The reason advanced for the change is the financial condition of the orchestra. Sponsors of the Philharmonic are of the opinion now that no prestige would be lost if, for instance, a group of banks similar to the financial houses which cooperatively sponsored the programs of the Philadelphia Orchestra the past few seasons could be recruited for the Philharmonic.

Drop One-Man Auditions

Pittsburgh, Oct. 12.—Sherman D. Gregory, KDKA's new manager, has eliminated one-man auditions at the station in favor of a board of six members. They will hear all new talent at the studio once a week and a majority vote will decide. The board consists of Derby Sproul, program director; Maurice Spitalny, music director; W. B. McGill, head of sales and promotion; Bill Jackson, director of sales, Clarence Petit, head of public relations, and Joe Baudino, chief engineer.

Start Radio Union Talks

San Francisco, Oct. 12. — The American Federation of Radio Artists and International Brotherhood of Electrical Workers have entered into joint negotiations with local independent stations, seeking contracts covering hours and wages paid performers, announcers and technicians. Already signed are two independents, KJBS here and KQW, San Jose.

NBC Transfers Three

San Francisco, Oct. 12. — Three more NBC employes have been transferred to Hollywood. Latest to go are Paul Gale, traffic manager of KPO-KGO; Henry Maas, sales traffic manager, and Cliff Anderson of the program department.

Powell on "Hotel" Oct. 21

William Powell, whose recent illness prevented him from taking on duties as "em cee" on the "Hollywood Hotel" program when that series returned to the air some weeks ago, will assume the job Oct. 12. During his illness, Herbert Marshall substituted.

Nixon Book Sales High

"Vagabond Voyaging," Larry Nixon's book on freighter travel, is now in its third printing. Nixon is publicity director for WNEW.

News Men Gainers

Foreign correspondents of A. P., U. P. and I. N. S., were paid handsomely by the networks for their broadcasting services during the recent near-embroglio. While the networks have maintained strict silence as to the rate they paid, it has been established that the prices ranged from $50 to $350 per broadcast. On an average, the pay was $150.

CBC Expects Surplus Of $200,000 in Year

Montreal, Oct. 12.—Despite competition from the American chains, the American Broadcasting Corp. completed its first fiscal year of operation with a surplus of $175,000, and anticipates a surplus of $200,000 for this year, the Electrical Club of Montreal was told today by Dr. Augustin Frigon, assistant manager of the Canadian network.

Projects now underway for the CBC, Dr. Frigon reported, were the moving of CBM, Montreal, to a more advantageous location and the opening of adequate studios in Montreal.

World 'Gold' System Goes to 36 Stations

With the addition of five new stations, the World Transcription System's new "gold" group of tested stations, launched last week, now numbers 36 stations. The ultimate goal is 75 stations.

The new stations are: WTIC, Hartford; WSFA, Montgomery, Ala.; KOY, Phoenix, and the Arizona network consisting of KOY, KGAR and KSUN, which will be offered as a group to an advertiser desiring statewide coverage.

Series to General Mills

Los Angeles, Oct. 12.—General Mills, Inc., has purchased sponsorship of "Grouch Club" on the CBS outlets in Fresno, KARM; Los Angeles, KNX, and San Francisco, KSFO. Sponsorship starts Oct. 17. Blackett-Semple-Hummert handled the placement.

The agency has purchased sponsorship of "Curtain Time" over WGN, Chicago, and over the Don Lee network in California. Remaining stations of the network now carrying the program as sustaining will continue to broadcast the show on the same basis. Sponsorship begins this Friday.

Radio Column Is Dropped

Pittsburgh, Oct. 12.—The Hearst *Sun-Telegraph* has dropped its daily radio column, written by Zora Unkovich under the pen name of Jane Hamilton. It's understood that action would have been taken some time ago had it not been for the fact that the Hearst interests own WCAE here. The paper is now printing only the regular station log.

Gets Newspaper Post

Dorothea Lawrence, network singer, has been appointed associate music editor of the Plainfield, N. J., *Courier-News*.

Around the Country

San Francisco

Darrell Donnell, ex-radio editor of the *Examiner*, now is newscasting at KFRC. . . . Don Robbins, former McClatchy station manager here, now is KYA account executive. . . . "Good Morning Tonite," KPO musical show sponsored for two years by Albers Bros. milling firm, has added a weekly skit to its routine. . . . California Federation of Women's Clubs, representing 50,000 women, has started a weekly series over KSFO, local CBS station. . . . Grant Pollock, announcer, and Bobby Rockwell, juvenile actor, won auditions for feature acting roles with the 11th annual Standard School Broadcast series, over KGO and 11 other west coast stations weekly, sponsored by Standard Oil Co.

Gary Kreidt has been named promotion manager of KFRC by Station Manager Wilbur Eickelberg. . . . One of the Pacific Coast's oldest programs, "Waltz Time," has been returned to KGO and the Coast Blue web after an absence of six months. . . . Announcer Jimmie Matthews won an audition for the new Sperry Flour Co. commercial, "Dangerous Road," skit heard five times a week on KPO. . . . Zella Layne, former KFRC actress-singer, was picked to play role of Lynn Miller in KPO's "Dr. Kate" skit, succeeding Vicki Vola, who went to New York.

+

Cincinnati

William Schudt, general manager of WKRC, is in New York for a conference with CBS officials. . . . Bill Williamson, WKRC sales manager, has returned from a trip to Chicago and Cleveland. . . . Herbert Flaig, WLW-WSAI special events director, and his wife are honeymooning in Miami. . . . Helen Dillar, Canadian cowgirl, who came here to participate in "Boone County Jamboree" over WLW, has become a regular member of the station staff.

Seal in KPO-KGO Post

San Francisco, Oct. 12.—Robert Seal, formerly with a station in Columbus, has been named production manager of KPO-KGO, local NBC outlets, to succeed Cameron Prud'homme. The latter will have charge of all dramatic production at the stations.

Mutual Signs Ingram

C. J. Ingram, radio editor of the *Jersey City Journal*, has been signed by Mutual to do a new quarter-hour series. His series will be heard Tuesdays from 7:15 to 7:30 P. M. He will do commentaries and thumbnails on Mutual artists.

Morrison Joins WCAE

Pittsburgh, Oct. 12.—Herb Morrison, who received national attention when he did a word description of the actual Hindenberg disaster over WOR, is the latest addition to the WCAE announcing staff.

Manufacturers Ask New Tests On Television

A series of cooperative conferences between manufacturers of television receiving sets, parts manufacturers and network officials has been called by the American Television Corp., with a view toward assuring continuation of experimental television broadcasts. American Television Corp. is the first manufacturer of television receiving sets to place them on the market here. A definite date for the conferences will be announced shortly.

It is hoped that as a result of the plans adopted at the conferences, dealers will be able to demonstrate television receivers at definite hours, so that the public may view actual television in the stores.

At the moment there are no television broadcasts going out, NBC-RCA having abandoned their experiments pending installation of improved equipment. CBS, now installing its television transmitter in the Chrysler Building Tower, is not expected to begin telecasting until early spring.

ABT Will Represent Technicians at CBS

Washington, Oct. 12. — The National Labor Relations Board today certified the Associated Broadcast Technicians as the exclusive collective bargaining agencv for radio broadcasting technicians and engineers of CBS at all its stations with the exception of KMOX, St. Louis.

The action was based on results of a recent secret ballot election which gave the ABT 128 votes as against 08 votes for the American Communications Association, an affiliate of the C. I. O.

Lux Program Will Be Broadcast in France

J. Walter Thompson, acting for Lever Bros., has placed a contract with Radio Luxembourg, France, for broadcasts of the Lux "Radio Theatres" programs in transcribed form.

Another contract for foreign radio is by Colgate-Palmolive-Peet, for recorded broadcasts over Radio Normandie, another powerful French station, of its programs carried over American networks. Benton & Bowles placed this business.

KOCY Has New Tower

Oklahoma City, Oct. 12.—A new radio tower for KOCY, designed to double the station's power, has been placed in operation here. The tower, of a new type tubular construction, extends 173 feet above the roof of the studio building. KOCY was established only a few months ago and is a conversion of the old station, KFXR.

Deny Sale of KOMO

Oklahoma City, Oct. 12.—Reports that KOMO here, operated by Hearst Radio, Inc., has been sold to William C. Gillespie of Tulsa, have been denied by Neal Barrett, vice-president of Hearst Radio, and KOMO manager.

DO NOT REMOVE

Alert.
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 44. NO. 74 NEW YORK, FRIDAY, OCTOBER 14, 1938 TEN CENTS

ESTIMATE LOEW '38 PROFIT $10,250,000

Under 70% of 1937 Total Of $14,426,062; Runs About $6 Per Share

Wall Street indications, subject to adjustment, are that the Loew company earnings for the year ended Aug. 31 will reach approximately $10,250,000, after taxes. This figures for slightly under $6 per share on the 1,599,000 common shares outstanding.

Fourth quarter earnings are estimated at approximately $1,900,000, but the final count can't be had for several weeks, as it is understood auditors are still on the books.

These earnings represent an amount which is under 70 per cent of the company's 1937 earnings of $14,426,062.

The company yesterday declared a regular quarterly dividend of $1.62½ on the $6.50 cumulative preferred stock, payable Nov. 15 to stockholders of record Oct. 28.

The firm has outstanding 136,000 shares of $6.50 cumulative preferred.

U.S. Paris Men Meet in Rome For Film Ban

Discussions Scheduled to Start Next Week

First of the meetings between Continental European managers of American distribution companies and Italian Government officials on the decree creating a film distributing monopoly for the recent organized E. N. I. C. may be held in Rome next week, according to information received in New York yesterday.

The conferences are designed to provide for an exchange of views on the effects of enforcement of the decree and possible modifications. They were to have been held about two weeks ago, but were deferred because of the general European crisis. It is expected that attaches of the American Embassy at Rome will attend the meetings with the Continental Euro-

(Continued on page 2)

Four Coast Locals Seek Certification

HOLLYWOOD, Oct. 13.—Four I. A. T. S. E. studio locals will soon file N. L. R. B. petitions asking to be certified as collective bargaining agencies for crafts already covered in the basic agreement negotiated with producers in 1935, according to Harold V. Smith, International official.

The locals are Sound Technicians, 695; Cameramen's, 659; Laboratory Workers, 683, and Technicians, 37. About 12,000 workers are affected. Local 695 sought to file its petition

(Continued on page 5)

Mayer Reveals 'Plot' To Crush I.A.T.S.E.

SACRAMENTO, Oct. 13. — Louis B. Mayer testified today before a Sacramento grand jury that William H. Neblett, Los Angeles attorney, had attempted to interest him in a "plot to crush the I.A.T.S.E. through last November's state assembly interim investigation committee."

Mayer declared that on advice of Nicholas M. Schenck he refused to countenance Neblett's proposal. The testimony was given at the reopening of the grand jury's "lobbying" investigation.

Radio News—P. 11

Notification on Schaefer RKO Post Expected Today

That George J. Schaefer has been selected to head RKO, upon the company's reorganization and emergence from 77b, may be announced today. Leo Spitz, it is understood, has yielded to the insistence of creditors and will continue his association with the company, as special counsel. He has been desirous of retiring for two years, but the creditors and the bankers have persuaded him to remain. It had been his hope that upon reorganization he could entirely disassociate himself from RKO. However, that isn't happening.

One of the latest and curious angles in the situation is that M. H. Aylesworth is being mentioned as chairman of the new board. He is RKO's former president and now with Scripps-Howard newspaper chain.

Perhaps Federal Judge William O. Bondy will confirm the pending reorganization plan soon, possibly next week.

Rockefeller Center, Inc., will have two representatives on the new company board, one of whom may be W. G. Van Schmus, but it is not certain

(Continued on page 2)

Directors' Guild Ends Argument on Labor Board Plea

HOLLYWOOD, Oct. 13.—Closing arguments in the six-week hearing on the Screen Directors' Guild petition to be declared the collective bargaining agency for directors, assistants and unit managers were presented today by William R. Walsh, attorney for the N.L.R.B.

Barry Brannen spoke as attorney for the guild, and Alfred Wright represented 20th Century-Fox and acted as spokesman for the counsel of 10 other companies. Both argued that directors, despite their high salaries, come under the Wagner Act, that production is interstate commerce, and that assistants and unit managers should be grouped in the same bargaining agency with directors.

Mr. Wright declared that Congress

(Continued on page 5)

Warners Will Not Join Trade Talks

Chicago, Oct. 13.—Warners will not join in the trade practice conferences of exhibitors and distributors which get under way in New York next Wednesday, Harry M. Warner, president, said today on his arrival here from the coast. He declined to amplify this statement in any way. After a few hours here Mr. Warner left on the Century for New York.

It is known that the refusal of Warners to participate will not affect the decisions of the other seven major companies to proceed.

Allied Heads Hope to Gain Wide Reforms

Allied now looks towards conciliation as the more feasible and constructive means of achieving co-ordination in the business, rather than legislation. National directors of the organization who will gather here Monday to determine policy on a trade practice program and to create a committee for negotiation with distributors are hopeful that the forthcoming discussions will bear practical fruit.

This is in line with the sentiment which was expressed early this week by Abram F. Myers, Allied chieftain, at the Grand Rapids convention of the Michigan Allied.

Distributors have no intention of limiting discussions on any phase of the situation, and Allied is satisfied.

Allied seeks relief from the competitive clearance with producer-distributor owned theatres.

Myers last December listed nine

(Continued on page 5)

Chicago Settlement Talks Are Dropped

Discussions looking to an out-of-court settlement of the anti-trust suit brought against B. & K. and major distributors by Chicago independent exhibitors have been discontinued.

This development, however, does not prevent either side from advancing new settlement proposals in the future.

Negotiations between exhibitor representatives and B. & K. which preceded filing of the action revolved around the independent theatre owners' advocacy of a ban on double featuring by the Paramount's Chicago circuit, or, failing an agreement on that, a modification of the circuit's clearance schedules in favor of the subsequent runs.

Fleischer and Union Reach an Agreement

A new one-year contract between the Max Fleischer studio and the United American Artists union was signed yesterday after more than two months of negotiations. The contract establishes a complete open shop for the new Fleischer studio at Miami and continues the wage and hour schedule.

Fleischer employes, all of whom are

(Continued on page 2)

U.S. Paris Men Meet in Rome For Film Ban

(Continued from page 1)

pean managers and Harold Smith M. P. P. D. A. representative with headquarters in Paris.

Film shipments into Italy, sales services and all dubbing activities have been discontinued by the American distributors pending the outcome of the conferences.

As much as 100,000,000 lire (approximately $7,000,000) belonging to American film companies, is frozen in Italian banks, without any indication of what the Italian Government intends to do about it.

Sought to Stop Leakage

Back of the problem which has developed following the recent drastic E. N. I. C. decree was a desire on the part of Felice Guarneri, Minister of Foreign Trade and Exchange, to stop the leakage of money from the country. He ruled foreign films should fall into the category of imported merchandise, with the same restrictions.

The Italian-American difficulties of recent origin date back to the Venice Exposition, when the Mussolini Cup was awarded to "Olympia" instead of "Marie Antoinette." The French delegate was said to have been chiefly responsible for the decision against the American film. Followed Italian irritation over "Marco Polo," "Blockade" and "Farewell to Arms."

The E. N. I. C. decree followed shortly after the failure of the Italian Government to assign quotas for the new year on Sept. 1. Foreign firms are obliged to accept the prices offered by E. N. I. C. It is believed also that Guarneri favors the barter plan. A following decree permitted E. N. I. C. to pass off some of its business to individual firms, but it is believed that those firms will be Italian distributors of American films.

Nationalization Is Aim

Nationalization of the Italian film industry is seen in many quarters as the ultimate aim of the restrictive measures, leading to an eventually self-sufficient film industry in Italy.

The increasingly serious foreign situation was further aggravated for export managers from an American source with the passage recently of a Puerto Rican measure increasing the territorial tax of one cent per linear foot on films to two cents. The measure will become effective in December. Home office foreign departments are concerned over the tax and attorneys for the departments have been delegated to investigate its constitutionality and possible other legal moves in the Federal courts.

Robert V. Latham Dead

MIAMI, Oct. 13.—Robert V. Latham, stage director, inventor and former theatre manager, is dead here following a short illness. Latham invented the "roll-away" stage projecting over the footlights.

Mary Rorke Passes

LONDON, Oct. 13.—Mary Rorke, British stage and screen actress, died here yesterday.

Insiders' Outlook

GROSSING $18,000,000 in eight pictures, Fred Astaire and Ginger Rogers probably established themselves as the leading box-office team in film history. The average world-wide gross on each of the eight pictures which RKO has produced and distributed during the past five years is $2,250,000. The average annual gross since 1933 when the first film starring the team was released is $3,600,000.

"Carefree," released Sept. 2, may go to $2,000,000, by present indications.

"Top Hat," 1935 release, was the team's biggest grosser, with $3,000,000. Others were "Flying Down to Rio," 1933, $1,500,000; "Gay Divorcee," 1934, $1,800,000; "Roberta," 1935, $2,300,000; "Swing Time," 1936, $2,630,000; "Follow the Fleet," 1936, $2,600,000; "Shall We Dance," 1937, $2,200.000.

▼ ▼

The "saviour" of the legitimate theatre, the current Moss Hart-George S. Kaufman play, "The Fabulous Invalid "—with a nod toward Orson Welles—paradoxically is played by a newcomer to Broadway, Lewis Howard.

He is a native New Yorker, who studied dramatics for two years at Columbia, where he was also a member of the Morningside Players. His only other theatrical appearance was a summer theatre engagement with Fay Wray in "The Petrified Forest" at Suffern, N. Y.

▼ ▼

To lure the "snatch and run" diners who have a half hour for refueling during the 4½ hour-stage performance of "Hamlet," Sardi's has equipped its second floor dining room with a signal system warning of curtain time at the nearby St. James Theatre. Understood Sardi guarantees to get the audience back in time for more of Maurice Evans, and Katherine Locke.

◂ Purely Personal ▸

CLINTON M. WHITE, G.B. assistant general manager, has returned from a three-week tour of midwestern and southern exchanges. ARTHUR GREENBLATT, eastern division manager, is also in town after a one-week visit to New England exchanges.

•

NORMAN LEFF, son of ABRAHAM LEFF of Five Boro Theatres, will be confirmed tomorrow. A reception in the boy's honor will be held Sunday at the Hotel Astor.

•

WILLIAM F. RODGERS, M-G-M distribution head, will attend the EDWARD GOLDEN testimonial dinner in Minneapolis tonight and return here Sunday.

•

AEDO ERMINI, who was in charge of the Technicolor work on "Drums," is in town from London. He will leave shortly for the coast.

•

ALBERT N. CHAPEROUX has just arrived from Europe with a group of French productions.

•

AL LICHTMAN will return to the coast today after conferences here.

•

RALPH ROLAN'S return from the coast is indefinite.

•

ELENA SEELY, Argentine film actress, is in town.

ARTHUR DONEGAN of the Warner publicity department left yesterday for Lexington to handle details of the opening of "Brother Rat" at the Virginia Military Institute next Thursday.

•

CHARLES E. WILLIAMS, president of Iowa-Nebraska M.P.T.O., will arrive Sunday to attend the M.P.T.O.A. directors meeting.

•

DOMINGO NARVAEZ, president, and FINY VERACOECHEA, general manager, of Venezuela Cinematografica, will leave tomorrow for Caracas.

•

HARRY PERRY, Paramount cameraman, is in town to make shots around Riverside Drive for "Invitation to Happiness."

•

BEULAH BONDI, who has one of the featured roles in "The Sisters," will arrive from Hollywood today.

•

GEORGE SCHUTZ, editor of *Better Theatres,* is at home with a sprained ankle.

•

E. M. SAUNDERS, M-G-M division manager, plans a midwest trip next week.

•

TYREE DILLARD, Loew attorney, has been vacationing in North Carolina.

Moray Is Given Plaque

PHILADELPHIA, Oct. 13. — Norman H. Moray, Vitaphone sales manager, has been presented a special plaque by Mayor S. Davis Wilson as a patriotic gesture for the production of "The Declaration of Independence." John Morton, descendant of one of the signers of the Declaration, was present.

G. B. Transfers Selig

DENVER, Oct. 13.—Robert Selig, Denver exchange manager as well as district manager for G. B., has been moved to exchange manager at San Francisco, preparatory to his being made district manager of the coast exchanges. Succeeding Selig here is Joe Aldrich, from Des Moines.

Schaefer-RKO Notification May Be Today

(Continued from page 1)

whether Nelson Rockefeller will accept a seat on the directorate, personally.

The Rockefeller people have been doing all possible to help the situation. Creditors have been trying to persuade Nelson Rockefeller to take a board post, for some time.

The new company management possibly will be represented by George J. Schaefer, Ned E. Depinet, distribution chief, and possibly a theatre executive.

There may also be on the board a representative of M. J. Meehan, principal holder of Keith-Albee-Orpheum preferred stock. KAO is the principal theatre subsidiary of RKO.

Floyd Odlum, head of Atlas, and one of the chief factors in the reorganization of the company, no doubt will represent his firm, as may also Peter Rathvon, who may become chairman of a prospective finance or executive committee.

RCA may have Gen. James G. Harbord and L. P. Yandell.

Fred Ehrman of Lehman Bros. may be the choice of that firm as its representative on the directorate.

General creditors may select William Farthing or Lawrence Green.

White, Weld & Co. may have a representative on the board, and also the independent groups of security holders.

Fleischer and Union Reach an Agreement

(Continued from page 1)

now at the new studio in Florida, will vote Oct. 31 on negotiating representatives. The outcome of the election, however, will have no effect on the open shop agreement reached yesterday, Fleischer representatives stated.

"Last Ride" Retitled

HOLLYWOOD, Oct. 13.—"Escape from Leavenworth" will be the release title of Paramount's "The Last Ride."

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

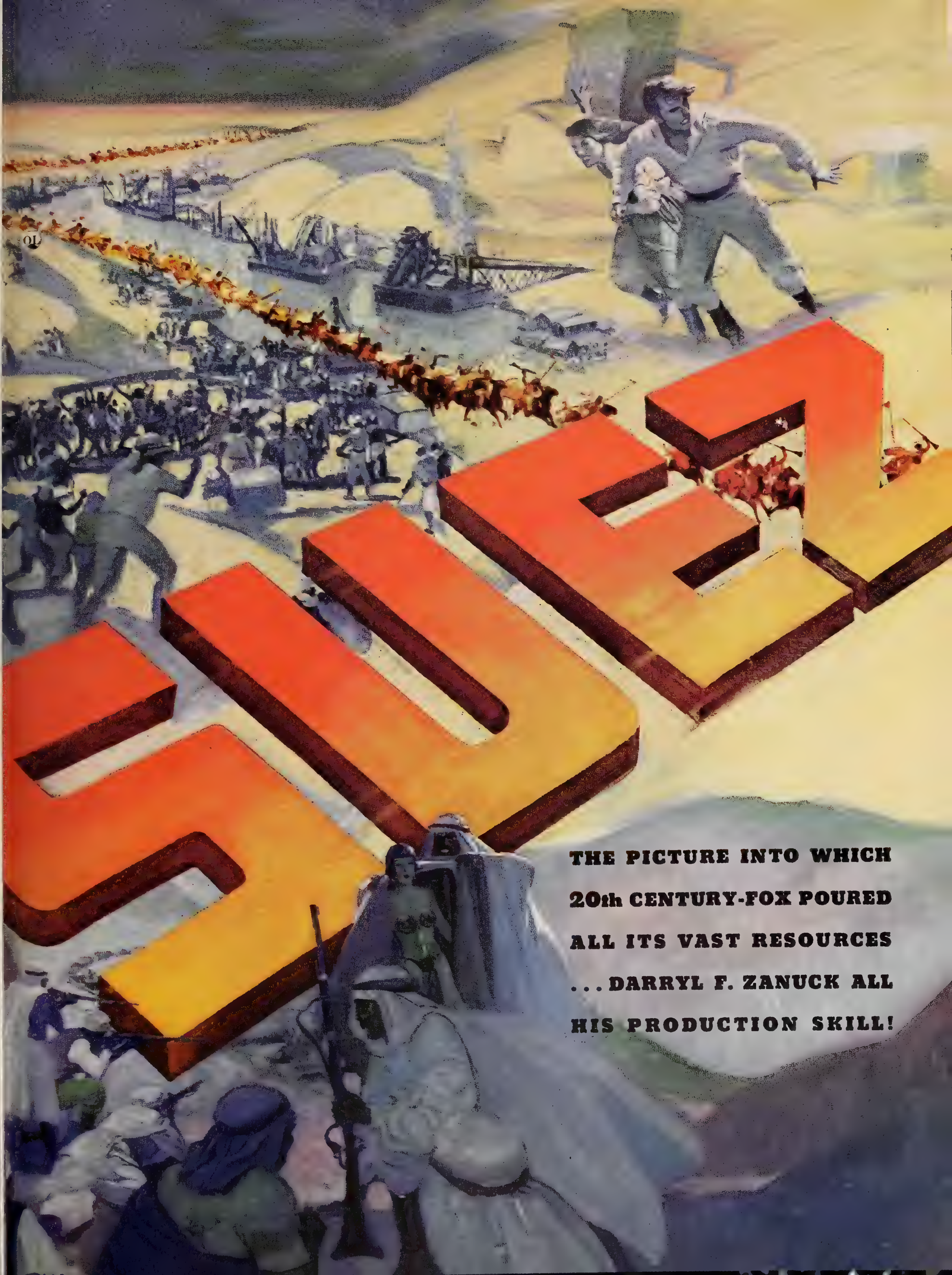
Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

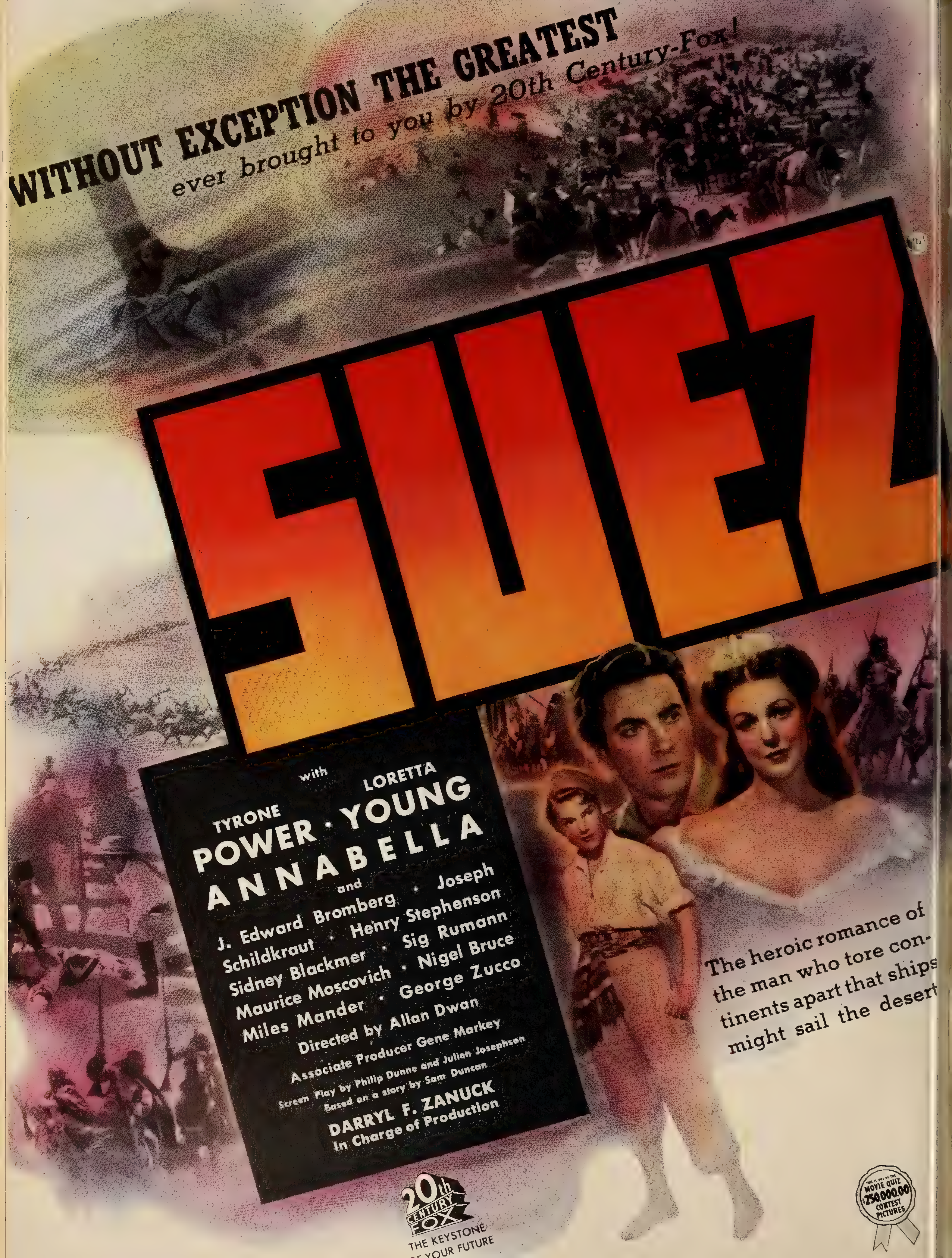
Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS:—*Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square. W. 1: cable address. Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23. 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.


SUEZ
THE PICTURE INTO WHICH
20th CENTURY-FOX POURED
ALL ITS VAST RESOURCES
...DARRYL F. ZANUCK ALL
HIS PRODUCTION SKILL!



WITHOUT EXCEPTION THE GREATEST ever brought to you by 20th Century-Fox!

SUEZ

TYRONE POWER · with LORETTA YOUNG
ANNABELLA
and
J. Edward Bromberg · Joseph Schildkraut · Henry Stephenson
Sidney Blackmer · Sig Rumann
Maurice Moscovich · Nigel Bruce
Miles Mander · George Zucco
Directed by Allan Dwan
Associate Producer Gene Markey
Screen Play by Philip Dunne and Julien Josephson
Based on a story by Sam Duncan
DARRYL F. ZANUCK
In Charge of Production

The heroic romance of the man who tore continents apart that ships might sail the desert

20th CENTURY FOX
THE KEYSTONE OF YOUR FUTURE

THIS IS ONE OF THE MOVIE QUIZ $250,000.00 CONTEST PICTURES

Allied Heads Hope to Gain Wide Reforms

(*Continued from page* 1)

specific sources of grievance by independent exhibitors. These are compulsory block booking, unreasonable protection, theatre over expansion, the "right to buy," contract revision, designated playdates, unfair allocations, non-delivery of pictures and radio competition. The forcing of shorts and newsreels with features and the score charge are also on Allied's agenda. Adoption of a program "acceptable to all or a majority of independent exhibitors," will be sought.

Allied already having expressed itself in favor of local conciliation machinery, would like to see that new boards will consist of an equal number of members representing the distributors and independent exhibitors.

In addition, Myers is looking for establishment of a national appeal board, similarly constituted, to hear appeals from local boards in contract cases and to have original jurisdiction in matters of general importance.

Committee to Meet Monday

Members of the executive committee of M.P.T.O.A. will arrive in New York over the weekend to attend that organization's preliminary meeting Monday on trade practice negotiations.

The executive committee's sessions will be held at M.P.T.O.A. headquarters, 1600 Broadway. A negotiating committee will be selected from the whole committee to meet with representatives of the distribution companies Wednesday, and a specific program will be formulated.

Among those who will attend the Monday meeting are Ed Kuykendall, M.P.T.O.A. president, and L. C. Griffith, who will arrive from Oklahoma City Sunday; H. V. Harvey, San Francisco; O. C. Lam, Rome, Ga.; Jack Miller, Chicago; Sam Pinanski, Boston; Lewen Pizor, Philadelphia; Charles E. Williams, Omaha; M. C. Moore, Jacksonville; Fred Wehrenberg, St. Louis; Arthur Lockwood, Middletown, Conn., and Ed Levy, New Haven.

Virginia MPTO Unit Selects Negotiators

Virginia Beach, Oct. 13.—M. P. T. O. of Virginia has suggested Oct. 27 for the trade practice conferences. It will be represented by a committee consisting of W. F. Crockett of Virginia Beach, president; Elmore Heins, Roanoke; J. Ellison Loth, Waynesboro; Benjamin T. Pitts, Fredericksburg, and William S. Wilder, Norfolk.

Seven of the eight regional exhibitor organizations not affiliated with the M. P. T. O. A. or Allied States which were invited to be represented at the trade practice conferences have accepted. Allied Theatres of Oregon, the eighth, has not replied yet.

Pat Nataro Transferred

Pittsburgh, Oct. 13.—Pat Nataro, manager of the Regent here, has been transferred by Warners to the Columbia in Sharon, Pa.

Allied Board to Be Asked to N. J. Meet

Allied States directors who will meet with Abram F. Myers, general counsel, in New York on Monday to act on the distributors' trade practice plan will be invited to attend the eastern regional conference of independent exhibitors in Atlantic City, which will open Wednesday for three days.

The conference is sponsored by Allied of New Jersey in conjunction with its 19th annual convention. The unit reports 20 equipment and accessory firms have taken display space, an increase over last year. Among them are RCA, Motiograph, Brenkert, International Seat, Joe Hornstein, Ideal Seat Co., Metro Premium, Heywood Wakefield, National Theatre Supply, National Screen, Dictograph and Ross Federal. Republic is the only film company which will have a booth.

Local 306 Wage Suit Dismissed by Court

Suit of Joseph D. Basson, as president of Local 306, and six members of the union to recover $5,240 back wages, was dismissed yesterday as against Joseph Quittner, one of the defendants, by N. Y. Supreme Court Justice Charles B. McLaughlin.

The decision ruled that "mere taking over of the operation and management of a theatre does not amount to assumption" of the obligations of predecessors and decided that Quittner, one of the owners of the Eltinge, should not be held responsible for a contract made with the union before he took over the theatre. Other defendants in the suit are Edjomac Amusement Corp., Max Rudnick and Edward Madden.

Para. Group to Studio

Paramount home office officials will leave New York Monday for two or three weeks of production conferences at the studio. In the party leaving from here will be Barney Balaban, president; Stanton Griffis, chairman of the executive committee; Neil F. Agnew, vice-president and distribution head, and Russell Holman eastern story and talent head. Robert Gillham, advertising and publicity director, also plans to leave for the studio later in the week. Gillham is expected back in New York today from Atlanta.

Musicians Returning

Members of the executive board of the American Federation of Musicians will return to New York Oct. 19 from Texas, where they have been attending an A. F. of L. convention, to meet on the day following with the representatives of Paramount, 20th Century-Fox, Warners, M-G-M and RKO, the theatre-controlling producing companies, in an attempt to reach an agreement whereby musicians will be returned to work in the theatres controlled by those companies.

Para. Asking Time For Dakota Appeal

Paramount has requested a one-month extension of the time for filing its appeal on the North Dakota affiliated theatre "divorce" law with the U. S. Supreme Court.

The final date for the filing of the appeal is Oct. 24 but if the request for an extension is granted the company will have until Nov. 23 to perfect its appeal from a Federal statutory court decision holding the divorcement law to be constitutional.

The company's appeal in the so-called Dallas case is expected to be heard by the Supreme Court during December. The case involves a decision prohibiting the regulation of admission prices and double featuring of specifically designated pictures through contract regulations. The rlower court held such contract regulations to be illegal but the Supreme Court agreed last Monday to review the case.

Start Lab Talks Today

Negotiations are to start today settling the Du Art Film Laboratories strike by Local 702, laboratory technicians' union. A 10-day truce calls for signatures to a settlement by Oct. 17. Arthur Gottlieb, head of Du Art, returned yesterday from Toronto.

Indiana Reopens Soon

Indianapolis,. Oct. 13.—The Indiana, 3,000-seat house closed for the summer, will reopen Oct. 21. Art J. Baker, manager of the Circle, will be in charge until the recovery of Kenneth T. Collins, who recently underwent an appendicitis operation.

The Newsreel Parade

A spectacular oil fire in New Jersey is the highlight of the midweek issues of the various newsreels. A mechanical cotton picker and football games are other items. The reels and their contents follow:

MOVIETONE NEWS—New Jersey oil blaze. Mint issues new five-cent pieces. Salmon clog Washington streams. Rodeo thrills New Yorkers. New mechanical cotton picker is demonstrated. Fashion show. Lew Lehr is guest of monkeys. International schooner race. Revive Dutch water sports in California. Football games.

NEWS OF THE DAY—Oil refinery fire in New Jersey. Uprising in Palestine. Sheep descend from mountains. John L. Lewis offers to resign if William L. Green will. Schooners race for International Trophy. Football highlights.

PARAMOUNT NEWS—New Jersey oil blasts. John L. Lewis seeks labor peace. A. F. of L. convenes in Texas. New U. S.-owned passenger liner starts first trip. Collegiate fashion display. Hunting season opens. Martha Raye on honeymoon with David Rose. Professional football games.

RKO PATHE NEWS—Blaze destroys New Jersey oil refinery. Roosevelt designs new Hyde Park home. John L. Lewis offers solution of labor ills. Vogue fashions feature "gay ninety" styles. U. S. cavalry maneuvers. Mechanical cotton picker is demonstrated. Philadelphia street cleaners strike.

UNIVERSAL NEWSREEL—Oil fire in New Jersey. Radium found in garbage. London's annual costume service. Douglas Corrigan at Roosevelt Field. Premier Daladier visits unknown soldier's tomb. Mechanical cotton picker displayed at Mississippi festival. Beaver trappers prepare for coming season. Rodeo in New York. Salmon jam in west coast rivers. Schooner race off Massachusetts coast.

Directors' Guild Ends Argument on Labor Board Plea

(*Continued from page* 1)

never intended that the Wagner Act should apply to high salaried persons such as directors, that directors were independent contractors and in no wise in the classification of employes under the act, that they had the power to hire and fire cast members in many instances, and that producers have often indicated willingness to negotiate separately with directors and with assistant directors and unit managers, but not with the three groups as a single unit.

Greenwich Dispute Goes Up to Arnold

Thurman Arnold, assistant U. S. Attorney General, is studying a report from an agent who this week investigated the complaint of Prefect Theatres charging excessive protection held by Skouras in Port Chester over the Pickwick in Greenwich.

Ralph Butterworth, representing the Department of Justice, questioned William Brown and Clarence D. Loewe, officials of the complaining circuit, which is affiliated with the Brownlow Theatre Corp.

Charles Skouras and distribution officials may be examined by an agent next week, it was indicated. Mr. Loewe said that if the Government fails to act in 10 days, his company plans to file an anti-trust suit in Federal court.

Football Stealing Newsreel Spotlight

Football games are rapidly gaining ascendancy as the chief item of interest in newsreels during the fall season, a survey of newsreel offices revealed yesterday. Coverage of sectional games for local distribution as specials has increased materially over past years and is expected to develop further as interest grows in later contests.

Paramount Newsreel is rushing specials into local theatres on the same day of the game. Laboratory costs are considerable, it was reported, but exhibitor demand warrants the additional expenditure. Other reels include the specials in the regular releases, except in unusual cases.

Four Coast Locals Seek Certification

(*Continued from page* 1)

today, but Dr. Towne Nylander, regional N. L. R. B. director, refused acceptance due to technical errors.

The move is believed to be the I. A. T. S. E. answer to charges of company unionism filed by Jeff Kibre, minority leader in Studio Technicians, Local 37, on which a conference is to be held by Dr. Nylander Oct. 21.

Minnesota Closes Deal

Minnesota Amusement Co. has closed a deal for use of Republic's product in its 60 houses. The Berger Circuit and Baehr Bros. have also signed with Republic.

KEEP YOUR EAR TO THE GROUND!

The whole industry is asking: "Can M-G-M keep delivering one 'A' picture after another as it has been doing since the start of the season?" Here's the happy answer—keep your ear to the ground

(*Continued above*)

METRO-GOLDW

(Continued)

and look over the M-G-M releases so far:

"A"— MARIE ANTOINETTE
(Shearer, Power sensational triumph Big cities, small towns everywhere)

"A"— THREE LOVES HAS NANCY
(America flocking to Bob Montgomery, Janet Gaynor, Franchot Tone comedy)

"A"— BOYS TOWN
(The year's smash with Tracy grand and Rooney your new money star)

"A"— TOO HOT TO HANDLE
(Gable and Loy! What a pair! "Test Pilot" records go bye-bye!)

"A"— VACATION FROM LOVE
(Dennis O'Keefe, Florence Rice a new team for the fans. It's a riot!)

"A"— STABLEMATES
(Beery, Rooney in laughs and tears! Mickey has captured America!)

"A"— YOUNG DR. KILDARE
(Just previewed! And what a drama! M-G-M's new series idea will equal the "Hardy Family." Lew Ayres and Lionel Barrymore great!)

And here are some that follow, one "A" picture after another, from now to December, almost all of them completed and previewed:

JUDY GARLAND, FREDDIE BARTHOLOMEW in "LISTEN DARLING" • LUISE RAINER, FERNAND GRAVET, MILIZA KORJUS, "GREAT WALTZ" • ROBERT DONAT, ROSALIND RUSSELL in "THE CITADEL" • JEANETTE MacDONALD, NELSON EDDY in "SWEETHEARTS" (*Technicolor*) • MICKEY ROONEY, LEWIS STONE, etc., in "OUT WEST WITH THE HARDYS" • LEW AYRES, MAUREEN O'SULLIVAN in "SPRING DANCE" • JOAN CRAWFORD, MARGARET SULLAVAN, ROBERT YOUNG, MELVYN DOUGLAS in "THE SHINING HOUR" • LUISE RAINER in "DRAMATIC SCHOOL", etc.

The industry's new slogan is: "It's Metro-Goldwyn-Mayer's Grade 'A' Year!"

The "A" Company

YN-MAYER

B. F. Keith Got Million Dollar Loan in Sept.

WASHINGTON, Oct. 13.—Negotiation on Sept. 1 of a loan of $1,000,000 from the Bankers Trust Co., the proceeds of which, together with $109,166.67, were used to retire outstanding first mortgage five per cent gold bonds of B. F. Keith's New York Theatres Co., its predecessor, was reported to the Securities and Exchange Commission today by the B. F. Keith Co.

The company put up $1,000,000 in six per cent bonds due March 1, 1946, as collateral for the loan, which is evidenced by eight promissory notes maturing at six months' intervals at from two to three and one-half per cent.

Keith-Albee-Orpheum also filed a report with the SEC showing that on Sept. 5 West Side Theatres Corp., a subsidiary of Greater New York Vaudeville Theatres Corp., itself a subsidiary of K-A-O, sold its 10 shares of Costello Theatre Corp. stock, representing all stock of that company issued and outstanding.

"Straight, Place" Roxy Take $36,500

"Straight, Place and Show" garnered $36,500 in a second week at the Roxy. "Too Hot to Handle," also a second week holdover, grossed $33,000 at the Capitol. The Strand did $24,000 on "Secrets of An Actress" plus Johnny Messner and his band and Chester Morris in person.

"King of Alcatraz" boosted the Criterion's take to $12,000. "There Goes My Heart," opening at the Music Hall yesterday, garnered $3,400 by 5 P. M. and a $12,000 gross was anticipated for the day.

Time Reel Held Up By British Censors

LONDON, Oct. 13.—Sections of Vol. 5, No. 2 of March of Time have been eliminated by the British censor because of the international situation.

No statement has been issued as to what material was objectionable, but the release has been suspended. Louis de Rochemont says the reel is comprised mainly of newsreel extracts dealing with the recent war scare.

"Patrol" Showings Set

Twentieth Century-Fox has arranged for special screenings of "Submarine Patrol." On Oct. 27, Navy Day, the film will be shown in Washington to the National Press Club and ranking Navy officers. There will be a showing Oct. 29 at the Naval Academy, Annapolis, to the Academy superintendent and his staff, followed a day later with a screening for the midshipmen. Arrangements are in charge of Marc Lachmann, the company's national exploitation director.

Rename "Unfit to Print"

HOLLYWOOD, Oct. 13. — Warners have changed the title of "Unfit to Print" to "Love Bites Man."

Hollywood Preview

"Brother Rat"

(*Warners*)

HOLLYWOOD, Oct. 13.—Against the staid historical background of the Virginia Military Institute John Monks, Jr., and Fred F. Finklehoffe, of V. M. I. '32, wrote a play which, contrary to many dramas of school life, did not stress the "ol' school spirit," and which played upon the frivolous side of the cadets' life in contrast to strict conduct rules of the institution. As a stage production, it was a success.

According to records, success of a stage play is not necessarily an assurance of success as screen material, but Warners have injected into the film the verve and freshness of the stage play, and have given it a wider scope than footlights would permit. It is mounted handsomely.

"Brother Rat" is the V. M. I. students' greeting to one another. There is a wealth of exploitation material to be derived from the background of V. M. I., "the West Point of the South."

The cast is listed in the following order by the studio: Priscilla Lane, Wayne Morris, Johnnie Davis, Jane Bryan, Eddie Albert, Ronald Reagan, Jane Wyman, Henry O'Neill, Gordon Oliver, Larry Williams, William Tracey, Jessie Busley, Olin Howland, Louise Beavers and Isabel Withers. The standout is Albert, from the original stage production, who essays the role of the "rat" whose mind, slow at best, is thrown into turmoil when his secretly married wife informs him he will become a father. Following the preview audience's uproarious applause for his characterization, the studio placed him on a long term contract.

Albert, Morris and Reagan, roommates at V. M. I., become embroiled with the strict regulations of the institution, mostly through the fault of the quick-talking Morris. The plot deals with their efforts to have fun despite the rules.

Richard Macaulay and Jerry Wald, in their adaptation of the play produced by George Abbott, keep situation and dialogue running in rapid fire to glean the utmost in comedy. William Keighley directed, keeping the continuity crisp. Robert Lord was associate producer.

Running time, 90 minutes. "G." VANCE KING

New York Previews

"Rothchild"

(*Regal Distributing*)

This French film produced by Productions Escalmel, has an amusing theme, but since action is at a minimum and dialogue is so important to the story, its chief appeal probably will be to those patrons with a knowledge of French, despite the liberal use of superimposed translations.

Perhaps a selling asset for the picture in this country is the name of Harry Baur, the leading player. Baur meets Flip in a cheap lodging house, both being down and out. Baur has the imposing name of Rothchild and Flip has nerve. Together they capitalize on the name, acquiring 2,000 francs. Clothes, an expensive car and a chauffeur are theirs for the asking.

Accidentally they meet a shady banker, who wines and dines the "great man," and invites him to head his bank. The name turns an insolvent institution into a solvent one, as depositors respond to the name of Rothchild. But Baur gets wind of a swindle planned by the banker, and disappears in a pretended suicide. When the ensuing panic has properly frightened the perpetrators, Baur reappears to berate them.

Running time, 78 minutes. "G." CHARLES S. AARONSON

"Prairie Moon"

(*Republic*)

Gene Autry tangles with cattle rustlers and three tough New York youngsters and finds them difficult to subdue. The result is a pleasing and fast moving western. Tommy Ryan, as one of the trio of an eastern gangster's children, contributes an appealing performance.

After their father's death, the boys are taken against their will from New York to a ranch in the west. Autry undertakes to act as their guardian, but the kids resent any contact with a deputy sheriff. Stanley Andrews, the cattle rustler, uses the boys' ranch as a hideout for stolen herds. Between songs, Autry learns of the arrangement, seizes the thieves and recovers the cattle. The lads are impressed by his valor.

Smiley Burnette, as Gene's pal, proves an excellent foil for the mischief stirred up by the three boys, and, in addition, sings two ballads of the west. Ralph Staub directed.

Running time, 58 minutes. "G."

End of Giveaways Helping Takes on Mountain Circuit

All premiums have been abolished in the Fox Intermountain division operated out of Denver by Rick Ricketson. Here for film buying and conferences with Spyros Skouras, Ricketson said yesterday that since the elimination, early last month, business has been better. Quality of recent product has been a contributing factor, he says.

Screeno and other games have been eliminated, but Bank Night, in which Ricketson is interested, is still running in a few theatres. Giveaways also have been abandoned in a few situations, which have awarded prizes such as three automobiles in a year, but this experiment has not proved encouraging, he asserted. He has found that a worthwhile giveaway at the proper time will do business.

Elimination of giveaways has proved a successful experiment on the West Coast, but Ricketson said the Southern California area has the advantage of previews and personal appearances of film personalities to make up for them.

Film Men Converge For Golden Dinner

MINNEAPOLIS, Oct. 13.—Film men from the northwest and the coast began arriving here today for the dinner in honor of Edward Golden, Monogram vice-president, at the Nicollet Hotel tomorrow night.

The New York contingent, headed by Golden, Leon Froemkess and George West, is expected in tomorrow afternoon in a special car on the Burlington streamliner.

W. A. Steffes, in charge of arrangements, predicts an attendance of about 150.

Duncan Named Manager

VANCOUVER, B. C., Oct. 13.—Famous Players Canadian has promoted Norman Duncan to manager of the Strand here. Duncan has served the circuit for 10 years.

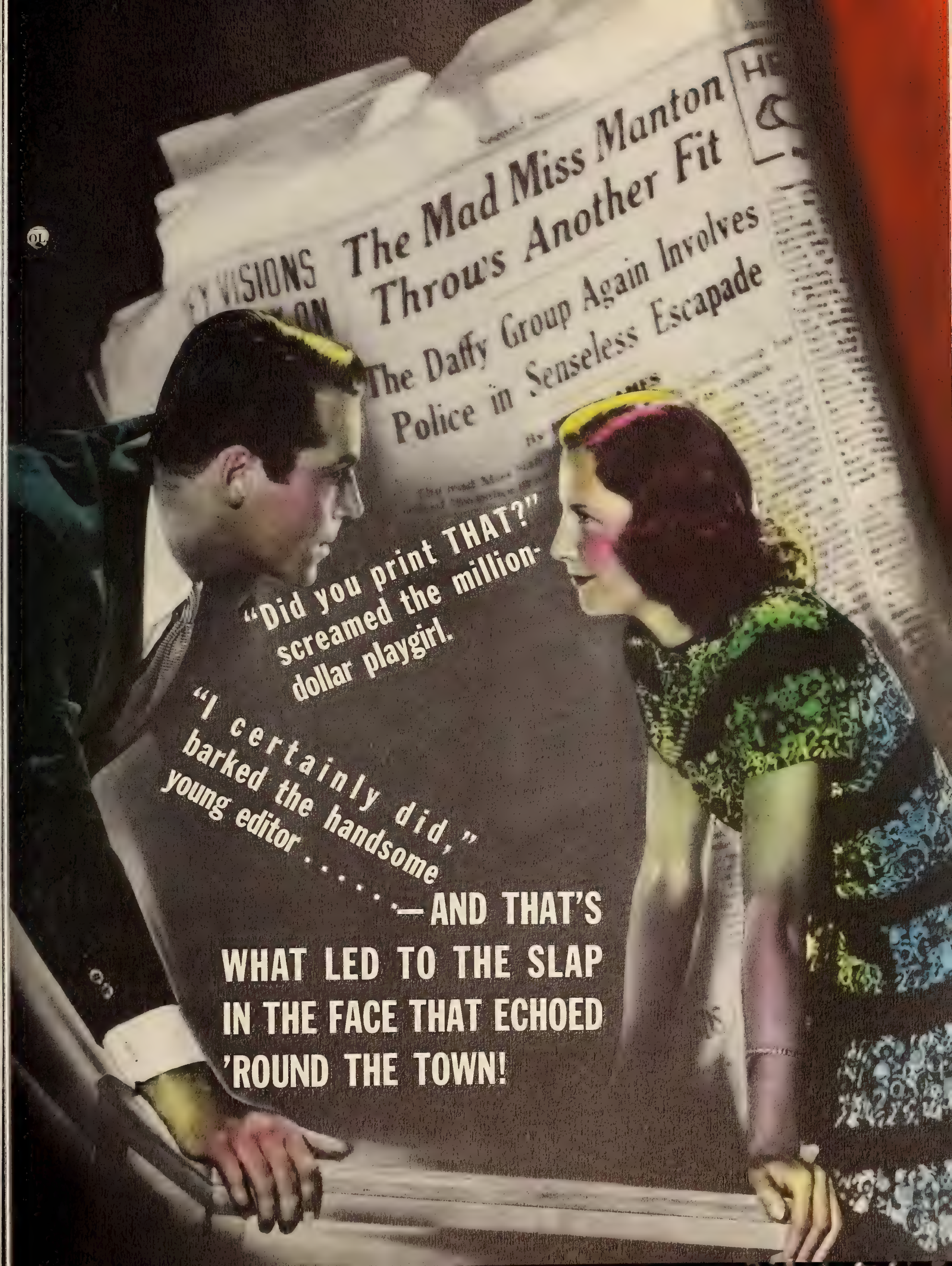
'60 Glorious Years'

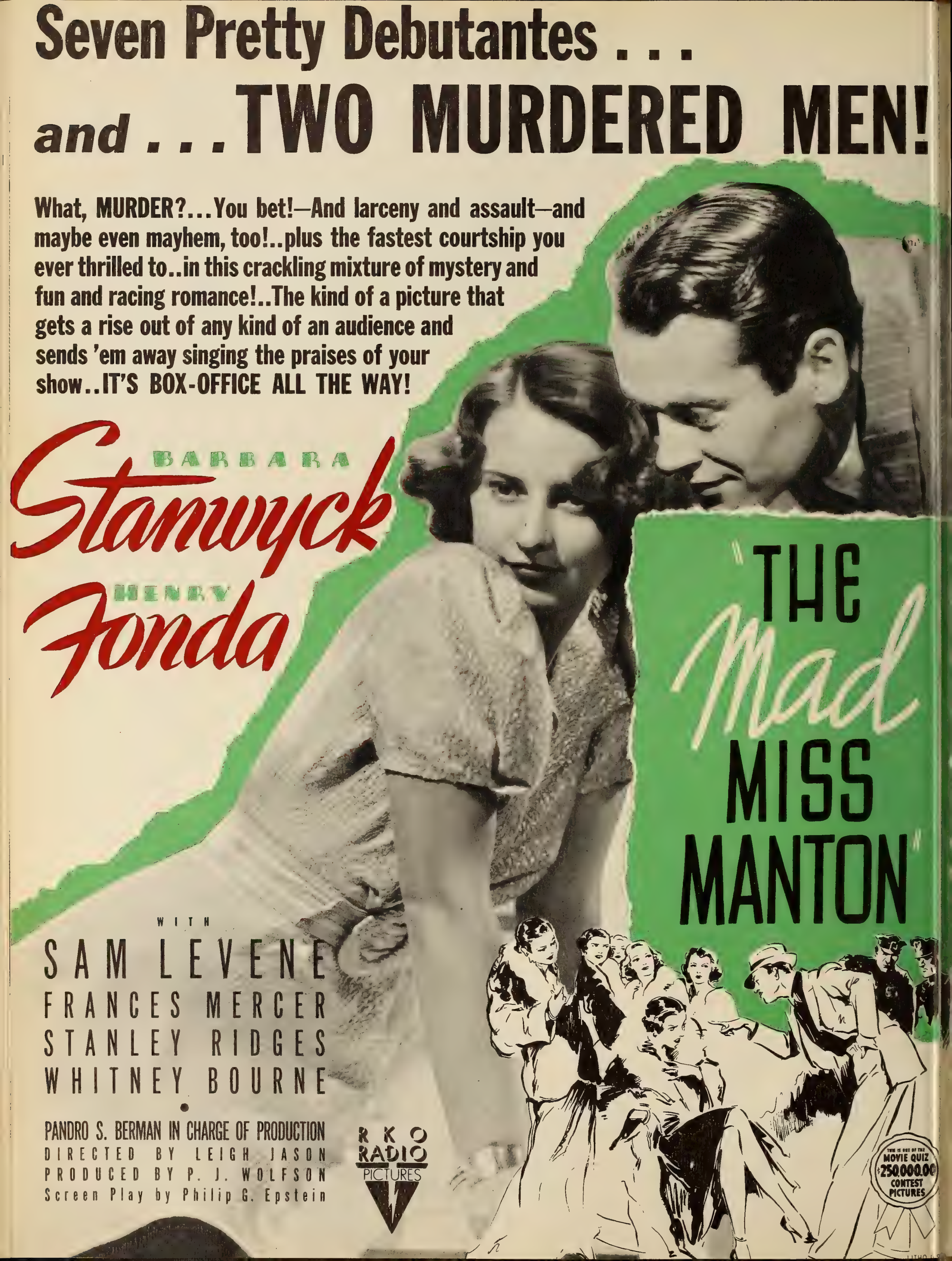
London, Oct. 13.—"Sixty Glorious Years," produced by Herbert Wilcox, was previewed today and was acclaimed a magnificent production with vivid historical interest and poignant human qualities.

It is superlatively staged in Technicolor with the actual royal palace backgrounds, and it highlights the personal, political and military features of Queen Victoria's reign, with emphasis on the emotional unity of her love for Prince Albert.

Balaklava, the Crimea and Khartoum are rousingly recreated.

Anna Neagle plays Victoria sympathetically and her work is superlative in the Queen's old age. The premiere will be held at the Odeon tomorrow in the presence of Queen Mary. Flan.


VISIONS
The Mad Miss Manton
Throws Another Fit
The Daffy Group Again Involves
Police in Senseless Escapade
"Did you print THAT?" screamed the million-dollar playgirl.
"I certainly did," barked the handsome young editor . . . . . —AND THAT'S WHAT LED TO THE SLAP IN THE FACE THAT ECHOED 'ROUND THE TOWN!



Seven Pretty Debutantes . . .

and . . . TWO MURDERED MEN!

What, MURDER?...You bet!—And larceny and assault—and maybe even mayhem, too!..plus the fastest courtship you ever thrilled to..in this crackling mixture of mystery and fun and racing romance!..The kind of a picture that gets a rise out of any kind of an audience and sends 'em away singing the praises of your show..IT'S BOX-OFFICE ALL THE WAY!

BARBARA
Stanwyck
HENRY
Fonda

"THE *Mad* MISS MANTON"

WITH
SAM LEVENE
FRANCES MERCER
STANLEY RIDGES
WHITNEY BOURNE

PANDRO S. BERMAN IN CHARGE OF PRODUCTION
DIRECTED BY LEIGH JASON
PRODUCED BY P. J. WOLFSON
Screen Play by Philip G. Epstein

RKO RADIO PICTURES

THIS IS ONE OF THE MOVIE QUIZ $250,000.00 CONTEST PICTURES

Radio Personals

LESTER GOTTLIEB, Mutual publicity coordinator, leaves Sunday for a swing around the Mutual circuit. He'll cover 15 stations in as many cities . . . Rudy Vallee will leave for the coast shortly. His programs, for three months, will come from Hollywood beginning the first Thursday in November . . . W. E. Hussman, KCMC, Texarcana, Ark., in town for several days . . . Don Voorhees' orchestra with Lanny Ross as vocalist is preparing an audition . . . Elaine Stern Carrington, writer of "Pepper Young's Family," leaves for a Hollywood vacation, Oct. 21 . . . Connie Boswell's new contract on the "Monday Night Show" over CBS is for 26 weeks, but it's on a non-exclusive basis and either party can cancel on four weeks' notice.

Kaltenborn Honored For Crisis Coverage

H. V. Kaltenborn, CBS news commentator, was tendered a surprise luncheon at the Ambassador Hotel yesterday in recognition of his outstanding radio news job of reporting the recent war crisis. Representing the stations affiliated with the network, Frank Sowell of WLAC, Nashville, presented the news commentator with silver loving cup.

Present at the luncheon were members of the press and various CBS officials, including William Lewis, Lawrence Loman and Herbert Ackerberg, vice-presidents.

In a talk following the presentation of the award, Kalternborn said that whatever honors came his way for his achievement must be shared by his co-workers and the press, without whose cooperation, he said, it would not have been possible to carry on.

CBS Artists Bureau, booking a lecture tour for Kaltenborn, probably will write $50,000 worth of lecture business for the news commentator for the coming season as a result of the nationwide publicity he received during the crisis.

Margaret Anglin to Be on CBC Program

MONTREAL, Oct. 13.—Margaret Anglin, daughter of T. W. Anglin, former speaker of the House of Commons, has accepted an invitation of the Canadian Broadcasting Corp. to take a leading role in the second of its series of Shakespearian presentations at 9 P. M. Sunday. She will appear as Queen Catherine in "Henry VIII."

Raoul Jobin, Paris opera tenor, has been signed for an appearance on the "Melodic Strings" program over the national network Sunday at 7:30 P. M.

"Patrol" Sponsor Shifts

CINCINNATI, Oct. 13.—"The Dawn Patrol," sponsored by the local Dow Drug Co. for the past several years over WKRC, has been taken by the L. T. Patterson Co. and associated Plymouth-Chrysler dealers. The account, placed direct, is for 26 half-hour spots, at 8 A.M., six days a week. Al Bland will continue at the mike.

Sanborn Hour Most Popular Air Show

The Chase & Sanborn Hour again is the most popular program on the air, according to the new agency ratings just compiled. Among the first 10 program, four are heard over CBS, the remaining six over NBC's Red network.

The rankings of the first 10 programs, in order, follows: Chase & Sanborn, the Lux "Radio Theatre," "Kraft Music Hall," Rudy Vallee's "Variety Hour," Major Bowes' "Amateur Hour," M-G-M's "Good News Hour," "Hollywood Hotel," "One Man's Family," "Gang Busters" and "Fibber McGee."

Significant is the fact that the three leading programs utilize film players. Of the remaining seven leaders, three others, "Good News," "Hollywood Hotel" and Rudy Vallee also feature film names.

RCA to Issue Data On Television Work

RCA, through I. R. Baker, manager of transmitting equipment sales, is prepared to supply information on recent television transmitter developments to broadcast stations which request it. The information includes complete technical data and transmitter equipment cost estimates.

RCA engineers have just finished a new television system for CBS, which is expected to begin experimental transmissions as soon as installation has been completed.

Show on Texas Network

"Show of the Week," cooperative band show Sundays on Mutual, will take on the 23 stations of the Texas State network, effective this Sunday, under local sponsorship. In New York the show is sponsored by Howard Clothes.

Reynolds in Cincinnati

CINCINNATI, Oct. 13.—E. S. ("Red") Reynolds, of the CBS sales promotion department, New York, is here visiting William A. Schudt, Jr., general manager of WKRC.

Political Speeches Take More Net Time

Network political billings continue to mount, with two new regional bookings on CBS. The Democratic State Committee of Massachusetts has bought time for eight talks over WEEI, WORC, WMAS, WBRK, 15 minutes each, on Oct. 13, 22, 26 and Nov. 1, 3, 5, 7. The H. M. Frost agency negotiated.

Frank E. Merriam, candidate for Governor of California, has purchased time for five 15-minute speeches over KSFO, KNX and KARM, Oct. 27, 31 and Nov. 5. The Joseph Loone agency placed the business.

The new Empire State network has been awarded a contract by the Democratic State Committee calling for seven half-hour broadcasts and seven quarter-hours. The deal was completed yesterday by WHN for the network, with Dick Wright, WHN salesman, negotiating with Fishler, Zealand Co., the agency for the political committee.

The broadcasts will originate from 14 different points within the state, beginning Oct. 20 and continuing through Nov. 5. Stations to carry the broadcasts are WHN, WABY, WIBX, WSAY, WBNY and WNBF.

Braucher Now Heads WOR Chicago Sales

Frank Braucher, WOR vice-president in charge of sales, yesterday appointed Harold B. Higgins, head of the station's western office in Chicago. Higgins previously was western manager for the Paul H. Raymer Co., station representatives; sales manager WBAL, Baltimore, and WEEI, Washington, and sales and station manager of WBZ, Boston.

Joins Wisconsin Web

SHEBOYGAN, Wis., Oct. 13.—WHBL has joined the Wisconsin Radio Network, which now has four central outlets. In addition to WHBL, other outlets are WHBY, Green Bay, KFIZ, Fond du Lac, and WIBU, Poynette, with their branch studios in Oshkosh, Appleton, Beaver Dam, Portage, Madison, West Bend and Plymouth.

F.C.C. Supports McNinch In Hampson Gary Ouster

WASHINGTON, Oct. 13. — The long threatened purge of the Federal Communications Commission was inaugurated today by Chairman Frank R. McNinch, just returned to his desk from a stay in the hospital, with the ousting of Hampson Gary, chief general counsel.

McNinch declared today that the dismissal of Gary was approved by a vote of four to two, with only Commissioners Craven and Payne dissenting, on the ground that the general counsel was inefficient in his management of the law department. Previous to the ouster, an effort had been made to have Gary accept a transfer to the R.F.C., which he refused, or to resign, which he also refused to do.

Denying that he had any plans for a purge, McNinch admitted that a request was pending before the Civil Service Commission for removal from civil service status of 53 key positions in the commission, but declared the present incumbents would not be affected. However, he admitted, he had plans for removing or changing a number of other employes, but declared the number would be comparatively small.

The chairman, in bellicose mood, denied emphatically that there was any personal animus among members of the commission, but did not reconcile that statement with the release of his letter to the Civil Service Commission by Commissioners Craven and Payne with a statement which he charged contained many inaccuracies. He also disclosed that he has carried his woes to the White House, and said that the President has given approval to his plans for reorganization of the commission staff.

FCC Probe of Monopoly Off Until Nov. 14

WASHINGTON, Oct. 13.—Postponement of hearings in the Federal Communications Commission's investigation of monopoly and chain operation from Oct. 24 to Nov. 14 was announced tonight by Chairman Frank R. McNinch.

Delay in opening the hearings, he explained, will be due to the fact that a large number of interests have asked for time to be heard, including a greater number of transcription companies than had been expected and a number of organizations, including the C. I. O. and Ascap.

Because of this, he said, difficulty has been experienced in framing a schedule for the hearings, it being planned to advise all prospective witnesses well in advance as to exactly what day they will be heard, so that they need not come to Washington from long distances only to hang around waiting to be called.

Chairman McNinch, in answer to questions, denied that he plans to control programs, particularly those of commentators, and said the commission would eventually develop a policy with respect to chain programs, but would not do so until after the chain investigation had been completed.

Report Seven After Philharmonic Series

Although no contracts have been signed yet for sponsorship of the Philharmonic Symphony broadcasts over CBS, it is learned that locally at least seven clients, of which the largest is R. H. Macy & Co., have indicated their willingness to sponsor the program.

Meanwhile it has been learned that CBS early this week piped a private audition over telephone lines to 108 stations of the network, with leading merchants in each of the cities invited to listen. CBS officials decline to comment on the reaction.

The project as it now stands is to broadcast the 30 weekly concerts of the orchestra under the cooperative sponsorship of merchants in cities where CBS stations are established. For the past 10 years the Philharmonic broadcasts have been the leading sustaining program on the CBS schedule.

Young in Halifax Post

HALIFAX, Oct. 13.—George R. Young, former member of the senior production staff of CBL, Toronto, has arrived here to assume his duties as acting program director of the Canadian Broadcasting Corp. for the Maritime region. Young temporarily replaces J. Frank Willis, who left recently on loan to the Australian Broadcasting Commission.

Chevrolet Series on WHN

Chevrolet Motors having resumed its "Musical Moments" transcriptions, a contract for the series has been placed with WHN, Fridays at 6:30 P. M., starting today. Campbell-Ewald agency placed the account.

INDISPENSABLE TO EVERY SHOWMAN!

The new 1939

BOOKING CALENDAR

Each year, thousands of managers find the Quigley Booking Calendar a prime necessity in the successful operation of their theatres.

Its record of national and state holidays is a guide to the timely booking of appropriate pictures, tieing in with important historical events, permitting special exploitation campaigns of great benefit to your box office.

These Booking Calendars are supplied to managers at cost and for that reason do not allow the carrying of large stocks. Unless your order comes in early we may not be able to fill it. Be sure to get your 1939 Calendar by ordering it today!

LIMITED SUPPLY
ORDER PROMPTLY
PRICE 25¢ postpaid

USE THIS COUPON

Managers' Round Table, **MOTION PICTURE HERALD**
ROCKEFELLER CENTER, **NEW YORK**

Kindly send me one Booking Calendar for 1939, I enclose 25c to cover cost of calendar and postage.

NAME____________________ THEATRE____________________

ADDRESS________________ CITY____________ STATE____________

DO NOT REMOVE

Alert. Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 44. NO. 75 NEW YORK, MONDAY, OCTOBER 17, 1938 TEN CENTS

N.Y. BANK SYNDICATE READY TO AID "U" WITH $2,500,000

Self-Regulation May Stop Trust Suit, States Myers

Abram F. Myers, Allied States general counsel, believes that proper self-regulation will lead to an amicable adjustment of the Government's anti-trust suit.

He expounds this view in his annual message in the New Jersey Allied year book, issued in conjunction with the 19th annual convention which will get under way in Atlantic City Wednesday.

Myers says: "The problem now is further complicated by the pendency of the Government suit. Nevertheless, if there is a will, a way can be found. If the Big Eight are sufficiently impressed with the situation they can still seek, in cooperation with the bona fide representatives of the independent exhibitors, a solution of industry problems for submission to the Department of Justice as a compliance with the demands of the Government."

Harry G. Kosch, counsel for New York Allied concurs with Myers' views. New York Allied is known to favor solution of industry disputes by amicable means.

Myers' statement traces Allied's progress in trying to obtain concessions from the major firms. He expresses the hope that a program of self-regulation can be perfected. He outlines also his organization's objectives in this regard:

1. Full security to independent exhibitors.
2. Place distributor-exhibitor relations on a basis of mutual confidence and understanding and provide for adjustment of future disputes.
3. Bring the industry and every branch of it into conformity with the law.
4. Meet the reasonable demands of the religious, welfare and educational groups on community preferences and standards.

An attendance of 300 or more is expected at the Atlantic City conven-

(*Continued on page* 4)

Industry Leaders to Address MPTO Meet

Oklahoma City, Oct. 16.—Production and distribution executives from both coasts and well known theatre operators are included in a list of speakers for the M.P.T.O.A. convention released here today. The convention will run from Oct. 31 through Nov. 2.

Among the speakers will be: Leo Spitz, William F. Rodgers, Edward Golden, Charles Casanave, Frank Cassil, George J. Schaefer, Herman Wobber, Hal Roach, Fred Wehrenberg, Lewen Pizor, Arthur Lockwood, Ed G. Levy, Milton C. Moore, Charles Williams, M. A. Lightman, Bob O'Donnell, L. C. Griffith, Robert Ripley, Mayor J. Frank Martin of Oklahoma City, R. X. Williams, Mitchell Wolfson, R. A. Harvey.

Ed Kuykendall left here over the weekend to confer with Wehrenberg in St. Louis.

Cleveland Opposes Added 'Quiz' Time

Cleveland subsequent run theatre operators are opposed to an extension of the "Movie Quiz" prize contest beyond Dec. 31, campaign headquarters of Motion Pictures' Greatest Year was advised Saturday by M. B. Horwitz, Cleveland regional chairman of the drive.

Horwitz said the original four-month period for the contest is regarded in his territory as the fairest division of playing time on contest pictures between first and subsequent runs which can be devised.

Campaign managers are weighing a proposal to extend the contest period to March 1. Decision will be made Oct. 25.

Final Payment to Be Asked on Roxy Bonds

Application for authorization to make the final payment on $39,000 of old Roxy Theatre bonds outstanding may be made in Federal court here this week. Such an application would be filed by Proskauer, Rose & Paskus, counsel for the Roxy trustee.

Believed likely the payment may amount to around $8 on each $100 face amount. The last payment was $6.

Authorization of the dividend by the court will make possible what is regarded as the final step in the Roxy's court proceedings, begun in 1933.

Speculate About U. A. Presidency

With Samuel Goldwyn, Mary Pickford and Douglas Fairbanks, in town, the trade is wondering whether the annual meeting of the company will be advanced from Nov. 9 to some immediate date. Stockholders may express their views by proxy. Thus Charles Chaplin and Alexander Korda can also participate in the selection of a president through their local representatives, Attorney Charles Schwartz, for Chaplin, and Emanuel Silverstone, for Korda.

It is understood that under the company's by-laws, it takes a unanimous vote of stockholders to elect anybody other than Maurice Silverstone as president. He is general manager of U. A. The presidency would grant him no greater power or operating control than he now enjoys.

Sidney Toler Gets Charlie Chan Role

Hollywood, Oct. 16.—The Charlie Chan series will be resumed Oct. 24 by 20th Century-Fox with Sidney Toler in the title part in "Charlie Chan in Honolulu." Toler was signed Saturday by Sol Wurtzel after he had been seen in rushes of "Up the River."

Company in Black First Time in Years; Big Debts Paid Off

Universal Pictures has negotiated a credit of $2,500,000, at five per cent per annum, for two years, and has paid off $1,000,000 in maturing debts, from a bank syndicate headed by the Commercial National Bank and the Irving Trust Co.

Full number of banks in the group is not revealed. This is a revolving credit. It involves no changes in the company and in no way affects the operating personnel or setup.

This new line of credit is held to be sufficient to meet the full financial requirements of the company for the time stated. It was negotiated after long and careful investigation by the banks. J. Cheever Cowdin and Nate J. Blumberg acted for Universal. Cowdin is chairman of the board. Blumberg is president. The deal has been in negotiation since last May.

Universal is in the black for the first time in several years, a fact which testifies to the progress and success of the present operating management, under Blumberg, who assumed office hardly 10 months ago. He was operating head of RKO's theatres when he was invited by Cowdin and his associates to assume the Universal helm. He is one of the youngest chief executives in the trade.

Under Blumberg's direction the company has steadily forged ahead. In August, Universal was no more than possibly $22,000 in the red for

(*Continued on page* 4)

Trust Suit and Regulation Discussed at Hays Meeting

Effect of the probable trade practice regulations to be worked out with exhibitors this week was discussed by directors of the M.P.P.D.A. with production officials at a meeting which lasted throughout most of Saturday. Cancellation, and the result it may have on production budgets, was described as the chief topic explored. Officials of five major studios attended the session in addition to heads of all major companies. The major companies are prepared to go ahead with the exhibitor negotiations.

Four major studios had representatives at the meeting in addition to their representatives on the M.P.P.D.A. board. They were Harry Cohn, Columbia; Joseph M. Schenck, 20th Century-Fox; Samuel Goldwyn, United Artists; Harry Warner and Major Albert Warner. Barney Balaban, Paramount president, will report the

(*Continued on page* 4)

◂ Purely Personal ▸

WILL H. HAYS, Jack Cohn, Nate Spingold, Jacob Wilk, Herman Wobber, Gradwell Sears, Arthur Lee, Major L. E. Thompson, Oscar Doob, E. L. McEvoy, License Commissioner Paul Moss and others will attend the reception for John H. Harris of Pittsburgh being given by George J. Schaefer, W. G. Van Schmus and Harold Franklin as M. P. G. Y.'s tribute to Harris' father, who operated the first continuous policy theatre.

●

Mrs. Herman Wobber, wife of the 20th Century-Fox distribution chief, and young daughter, Joan, who arrived recently from San Francisco, will remain here another two weeks. Wobber will accompany them on their return to the coast.

●

Tom Connors, M-G-M division manager, is continuing his tour of his southern territory and is expected to be away most of this week.

●

E. V. Richards, head of the Saenger Circuit, New Orleans, is in New York for conferences with Y. Frank Freeman, Paramount theatre head.

●

Rick Ricketson, Fox Intermountain division manager, left Saturday night for Denver after conferring here with Spyros Skouras.

●

Hal Roach has returned to the coast to start work on "It's Spring Again," Oliver Hardy-Harry Langdon feature.

●

Sylvia Sanders of Sanders Films will return today on the *American Farmer* after completing distribution deals in England and Sweden.

●

Halsey Raines of M-G-M's publicity department is mourning the death of his grandmother. She was 82 years old.

●

Edward Aaron, assistant to William F. Rodgers at M-G-M, is on a two-week tour of southern branches.

●

J. W. Piper, Paramount manager in Japan, will sail from San Francisco today on the *Tatsu Maru.*

●

D. J. Chatkin of Monarch Theatres has taken a new home in New Rochelle.

●

Pat Casey, producers' labor representative, will arrive from the coast today.

●

Ed Kuykendall, M.P.T.O.A. president, arrived in New York from Oklahoma City yesterday.

●

W. Ray Johnston and Eddie Golden, Monogram heads, will arrive in New York today.

●

Marvin Schenck is another Loew anniversary celebrant. It's his 26th or 27th—he can't remember which.

●

Pat O'Brien and Beulah Bondi have arrived from the coast.

●

Gene Dubarry is handling publicity for the Belmont Theatre.

Insiders' Outlook

SOME people just won't believe it when they see it.

In a striking press sheet on "Suez" the Fox advertising department credits direction to Allan Dwan in 38 places, exclusive of publicity stories. One of these has a two-column story on Dwan and other mentions. In all the newspaper advertising on the Roxy opening yesterday Dwan received credit.

But in a 20th-Fox publicity release on the Roxy business Friday night, Henry King is named director.

▼ ▼

Mae West, it is understood, assigns all her stage and film rights, and income from personal appearances to the Mae West-Empire Film Company, which the actress has organized in association with Louis Lurie, San Francisco real estate and theatre magnate. Lurie owns 50 per cent of the company. The production money, it is understood, is coming through a California bank which is said to have lent the new company $350,000.

▼ ▼

A central bureau for stars' autographs, where such autographs could be purchased by the signature hounds, and the proceeds turned over to charity, has been suggested for the trade's benefit. A rule would apply that stars not be permitted otherwise to issue autographs, and that the fan public be directed to obtain these autographs only via the central bureau.

▼ ▼

It's somewhat akin to telling a person not to scratch when one itches, but at any rate the Fascist newspaper *Tevere* has urged Italians to boycott pictures of Charlie Chaplin, the Marx and Ritz Brothers on the grounds their humor is "non-Aryan" and therefore not funny.

New York Previews

"Suez"

(20th Century-Fox)

"Suez" is magnificent. It combines splendid pictorial effects on a scale as vast as the desert with a love story set in a maelstorm of human emotions and intrigue. The climax is a desert hurricane that sweeps tents, humans, water tanks and dredges before it in an extraordinary mass of ruin.

A capacity audience at the Roxy burst into applause and women here and there wiped away furtive tears at the first showing Friday. This is about as good an indication as any that a new box-office smash has started on its way.

Darryl F. Zanuck's shrewd understanding of showmanship values has been combined with Allan Dwan's well known flair for directing spectacles. Somebody—perhaps it was Associate Producer Gene Markey—kept the emotional content of the story to the forefront in spite of the sweeping character of the background.

The cast is splendid, Tyrone Power, as Ferdinand de Lesseps, the young Frenchman whose vision creates the canal, and Loretta Young, the Parisian beauty, who puts aside love to become the Empress Eugenie, are vibrant figures, and Annabella, as the wistful, rouguish, passionate child of an army sergeant, who centers her emotional life about Power, turns in a performance that will be remembered a long time.

Power is sent to Egypt as consular secretary by Louis Napoleon (Leon Ames) when Napoleon discovers the young man may be a stumbling block in the path of his courtship of Miss Young. While there he develops a vision of what a canal across Suez would mean to the world and meets Annabella. He becomes the friend of Prince Said (J. Edward Bromberg), son of the viceroy.

Napoleon at first refuses to have anything to do with the scheme, but when Power helps the coup d'etat that enables Napoleon to become Emperor French backing for the scheme is assured. After the digging has been started the Sultan of Turkey engineers a series of explosions which nearly wreck the project. Prussia interferes. England opposes it, but her stand is reversed following Disraeli's assumption of the Premiership.

In the tremendous wind storm Annabella is killed, but the canal is completed and at the close Power is shown kneeling before the Empress to receive the cross of the Legion of Honor.

The cast is name-studded. In addition to those listed above it includes Joseph Schildkraut, Henry Stephenson, Sidney Blackmer, Sig Rumann, Maurice Moscovich, Nigel Bruce, Miles Mander, George Zucco and many others. The screenplay is by Philip Dunne and Julien Josephson from a story by Sam Duncan.

Running time, 104 minutes. "G."

J. M. Jerauld

Para.-M. & P. Deal Renewed For 5 Years

Extension for five years of the management deal for the M. & P. circuit, New England, has been agreed on between Paramount and Martin Mullin and Sam Pinanski.

Agreement covers the operation of the 91 houses in Massachusetts, Rhode Island and Connecticut, comprising the M. & P. circuit. No changes were made under the renewal, the existing agreement merely being extended to October, 1943. Y. Frank Freeman, Paramount vice-president and theatre head, represented the parent company in the deal. Benjamin Trustman, Boston attorney, acted for the operators.

Mullin and Pinanski returned to Boston, their headquarters, over the weekend.

S. A. G. Closes List; Membership at 1,000

Membership rolls of the eastern division of the Screen Actors' Guild were closed to extras on Saturday after a last minute rush brought membership in the Junior Guild slightly over the 1,000 mark. The action is similar to that taken at the coast in February, and will not affect actors who obtain bit parts.

Officials here declined to state how long the ban would remain in effect, but indicated that no effort to reopen the books would be made until a definite demand was established by increased opportunities for employment. Florence Marstons, eastern director of the S.A.G., will return here today from the A.F.L. convention in Houston.

English Exports Gain

London, Oct. 16.—Exports of exposed positive film in September totaled 2,005,532 feet, an increase of 3,600 feet over September, 1937. Imports totaled 1,534,599 feet, a decrease from September, 1937, of 284,697 feet.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

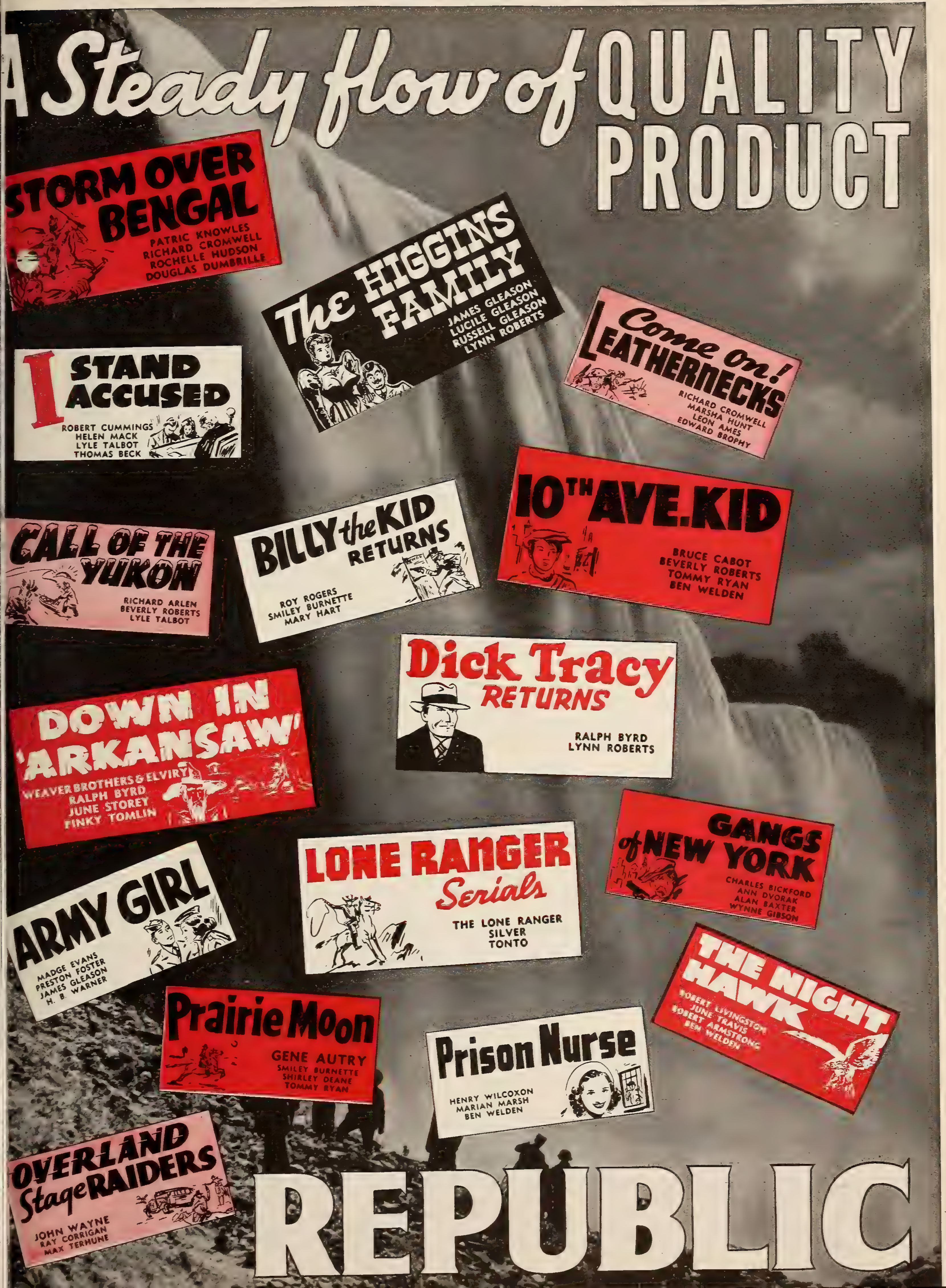
Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: Motion Picture Herald, Better Theatres, Teatro al Dia, International Motion Picture Almanac and Fame.

BUREAUS:—*Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager, *London:* 4 Golden Square, W. 1: cable address. Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.



A Steady flow of QUALITY PRODUCT

STORM OVER BENGAL
PATRIC KNOWLES
RICHARD CROMWELL
ROCHELLE HUDSON
DOUGLAS DUMBRILLE

The HIGGINS FAMILY
JAMES GLEASON
LUCILE GLEASON
RUSSELL GLEASON
LYNN ROBERTS

Come On! LEATHERNECKS
RICHARD CROMWELL
MARSHA HUNT
LEON AMES
EDWARD BROPHY

I STAND ACCUSED
ROBERT CUMMINGS
HELEN MACK
LYLE TALBOT
THOMAS BECK

10TH AVE. KID
BRUCE CABOT
BEVERLY ROBERTS
TOMMY RYAN
BEN WELDEN

CALL OF THE YUKON
RICHARD ARLEN
BEVERLY ROBERTS
LYLE TALBOT

BILLY the KID RETURNS
ROY ROGERS
SMILEY BURNETTE
MARY HART

Dick Tracy RETURNS
RALPH BYRD
LYNN ROBERTS

DOWN IN 'ARKANSAW'
WEAVER BROTHERS & ELVIRY
RALPH BYRD
JUNE STOREY
PINKY TOMLIN

LONE RANGER Serials
THE LONE RANGER
SILVER
TONTO

GANGS of NEW YORK
CHARLES BICKFORD
ANN DVORAK
ALAN BAXTER
WYNNE GIBSON

ARMY GIRL
MADGE EVANS
PRESTON FOSTER
JAMES GLEASON
H. B. WARNER

THE NIGHT HAWK
ROBERT LIVINGSTON
JUNE TRAVIS
ROBERT ARMSTRONG
BEN WELDEN

Prairie Moon
GENE AUTRY
SMILEY BURNETTE
SHIRLEY DEANE
TOMMY RYAN

Prison Nurse
HENRY WILCOXON
MARIAN MARSH
BEN WELDEN

OVERLAND Stage RAIDERS
JOHN WAYNE
RAY CORRIGAN
MAX TERHUNE

REPUBLIC

"U" Heads for $20,000,000 Yearly Gross

(*Continued from page* 1)

that month. In September, the world operations of the firm moved into the profit making class.

Universal is pacing for an annual gross of $20,000,000 at this time, as compared with $18,000,000 in 1937. The average weekly increase over 1937 is approximately $[illegible]0,000. Improved product plus economical operation has served their purpose, and William Scully, vice-president in charge of sales, has much to do with this improvement in income, as has Joseph Seidelman, vice-president in charge of foreign sales. Foreign sales are up considerably.

Great savings are understood to have been achieved in the reorganization of the company's studio at Universal City under Matthew Fox, vice-president, and Cliff Work, business head of the studio.

Cowdin, with Vice-president Seidelman, some months ago negotiated a loan in England from the National Provincial Bank, and also renewed with the C. M. Woolf-Lord Portal-Arthur Rank (General Theatres) interests for five years, the existing distribution deal held by the latter, and receiving an advance from the latter.

Cowdin is in England to sit in on the present talks relating to the possible disposal by Portal-Rank-Woolf of these distributions and theatre interests to Odeon (Oscar Deutsch) for approximately $10,000,000. This is part of the projected four-cornered $40,000,000 British theatre merger among Odeon, Bernstein Theatres, Ltd., the G. T. theatres, and the Gaumont British circuit.

Loans recently paid off by Universal include those of Irving Trust and Erpi, and $400,000 to Eastman.

"Rapture's" $14,300 Near Globe Record

"Dark Rapture," Universal release, hit a gross of $14,300 at the Globe in the week ending 7 P. M., Saturday. This is not a record, but one of the biggest takes for the house. The record for a regular run is held by "Lost City," which took $17,000 in 1934.

The current attraction will go another two weeks and the run will be extended if business warrants. The Brandts and the film company put on a big campaign, with $8,000 spent on advance and first week ballyhoo. The expenditure was split, the film being in on percentage. The film got good press notices.

SSTU Seeks Jurisdiction

Hollywood, Oct. 16.—Local 695, Studio Sound Technicians yesterday filed a petition with the N.L.R.B. to be declared the sole collective bargaining agency for sound technicians at 13 studios, for six sound companies and sound equipment rental agencies and three newsreels. The petition, filed by Harold V. Smith, business agent, was the first entered by an I.A.T.S.E. local.

Golden Honored at Minneapolis Dinner

Minneapolis, Oct. 16.—Edward A. Golden, Monogram vice-president, who was honor guest at a testimonial dinner given by exhibitors of this territory on Friday, was hailed here for his efforts "to bring independent films to the highest possible plane of entertainment and box-office values."

Golden, with W. Ray Johnston, Monogram president, left for New York today.

More than 150 industry and public officials and exhibitors attended the testimonial at the Nicollet Hotel, which was sponsored by W. A. Steffes, head of Northwest Allied. In attendance were Governor William Langer of North Dakota, the executive who signed the widely celebrated affiliated theatre "divorcement" bill; Congressmen Dewey Johnson and Henry Teigan; Mayor William Fallom of St. Paul; Pete Harrison, George Dembow, William F. Rodgers, Jack Flynn, Fred McConnell; Mack Littman, Joe Pastor, Chicago exhibitor; John P. Devaney, H. M. Richey, Bennie Berger, George Granstrom, A. A. Kaplan, Paul Mans, Harry Dryer, W. R. Frank and Hiller Hoffman.

William Elson, RKO midwestern division manager, was toastmaster.

Dreifuss Quits to Start New Company

Arthur Dreifuss resigned Saturday as vice-president and production head of Coronado Films to devote all of his time to Arthur Dreifuss Productions, Inc., now in formation for the production of 19 musical shorts for Columbia release. Dreifuss left Saturday for the coast.

Roy Wolf, president; Perry Burch, secretary, and William Kent, assistant secretary, also left Coronado Films to join Dreifuss. Daniel L. Liberman will continue production of eight Coronado westerns for Grand National release.

Murphy Succeeds Paul

Hollywood, Oct. 16.—Martin Murphy, production manager of Universal studio, also assumes duties of studio manager, made open upon the retirement of Val Paul, whose contract with company was settled. Dave Garber continues as manager of studio operations.

Plan Camera Show

The lads at the 20th Century-Fox advertising and publicity department have formed a Camera Club and will hold their first meeting and exhibition today after working hours. There are 15 members and there are expected to be about 40 photos on display, including some aerial shots by Lieut. Bill Chambliss.

Hayes Office Takes Up Federal Aation Versus Regulation

(*Continued from page* 1)

findings of the meeting to the company's studio heads on his arrival on the coast Thursday. Balaban heads west today with other Paramount top executives.

Also at the meeting were Sidney R. Kent, 20th-Fox; Nicholas M. Schenck, Loew's; Jack Cohn, Columbia; Leo Spitz, RKO; Nate J. Blumberg, Universal; Maurice Silverstone, United Artists, and Major Albert Warner, Warners.

Reported following the meeting that the discussions revolved around the manner in which the proposed 10 to 20 per cent cancellation schedule will affect production and how other trade practice concessions will react on sales practices. The discussion was described as general in tone and designed to provide an exchange of opinions and information for the benefit of all in order to aid executive and studio heads in adjusting their operations to the new order.

Seattle MPTO Meet May Be on Nov. 16

Seattle, Oct. 16.—Plans for the annual convention of the Motion Picture Theatre Owners of Washington are being made by James M. Hone, executive secretary. The session will be held about Nov. 16 at the New Washington Hotel.

Self-Regulation May Stop Trust Suit, States Myers

(*Continued from page* 1)

tion. Myers and Nathan Yamins, president, are scheduled as the chief speakers.

The year book, which contains the complete convention program, has messages also from Irving Dollinger, president of New Jersey Allied, and Max A. Cohen, head of the New York unit.

The program for the 19th annual convention of Allied Theatre Owners of New Jersey, in conjunction with which will be held the first annual convention of New York Allied and an eastern regional conference of independent exhibitors, at the Ritz-Carlton, Atlantic City, follows:

Wednesday, Oct. 19.—Registration of delegates, 10 A. M.; eastern regional directors meeting 10 A. M.; luncheon for eastern regional directors; first general session, 3 P. M. to 5 P. M.; for the ladies, tour through model American homes, 3 P. M.; get together party. Club Nomad, 10 P. M.

Thursday, Oct. 20. — Committee meetings, 10 A. M.; trade show, inspection of exhibits, 11 A. M.; second general session, 2 P. M. to 5 P. M.; product survey; New Jersey election of officers; New York Allied meeting and election of officers, gold room, third floor; ladies' bridge and tea, Palm Court, 2:30 P. M.: cocktail party, convention foyer, 7:15 P. M.; annual banquet, main dining room, 7:45 P. M.

Friday, Oct. 21.—Committee meetings; third general session; product survey results; committee reports; adjournment.

Schenck Urges Fair Limit on Cancellations

Cancellation of more than 10 per cent will endanger picture quality and compel a reduction of production budgets, in the opinion of Joseph M. Schenck, 20th Century-Fox board chairman, who added, however, that despite his personal opinion the company stands ready to accord to exhibitors whatever cancellation right the industry believes to be fair or necessary.

Schenck said he, personally, does not believe any cancellation right is justified; that a 10 per cent cancellation is the most that production can absorb on top of all other increased production costs at this time, and that a 20 per cent cancellation could be effected only by the reduction of picture budgets and the threat of injury to picture quality.

Schenck's opinions were voiced on his arrival here from the coast Saturday to attend the producer-distributor discussions at M. P. P. D. A. headquarters on the trade practice program to be worked out this week by national exhibitor leaders and the distributors' negotiating committee. Others who came from the coast to attend Saturday's meeting were Harry M. Warner, Samuel Goldwyn and Harry Cohn.

Schenck laid the need for cancellation to prevailing theatre policies.

"I do not believe any cancellation is justified," he said. "Exhibitors should pay for what they buy. The need for cancellation arises more from current theatre policies than from either production or selling practices. If exhibitors returned to single features they would not be overbought on pictures and would not need cancellation. Theatres should get back to playing one picture at a time and to playing each one for all that it is worth.

"Cancellation, coming on top of all other increases in production costs over the past few years, without any corresponding increase in either theatre attendance or film rentals, just could not be absorbed by production in any amount over 10 per cent without an adverse effect on pictures," Schenck said.

Schenck will be in New York for about a week, he said. He will visit the White House during the week to discuss infantile paralysis relief activities with President Roosevelt. He does not expect to go to England at any time in the near future on a Gaumont British deal or any other, he said. He was accompanied east by Joe Moskowitz, his eastern representative.

Illness Halts Two Films

Hollywood, Oct. 16.—Two companies have closed down at 20th Century-Fox for an indefinite period due to attacks of influenza suffered by Roy Del Ruth and Mal St. Clair. Del Ruth was directing "Tailspin," and St. Clair "A Bundle of Joy."

Small Buys "My Son"

Hollywood, Oct. 16. — Edward Small has purchased, for $50,000, the best selling novel, "My Son, My Son!" by Howard Spring, and is seeking Spring to write the adaptation.

Legion Passes 541; Rejects Seven in Year

WASHINGTON, Oct. 16.—Continuous improvement in the cultural standards of the motion picture is evidenced by the fact that of 580 films reviewed by the National Legion of Decency since last November, only seven have been condemned and 32 classified as objectionable in part, it was disclosed yesterday in a report of the Episcopal Committee on Motion Pictures, made public following the close of the annual meeting of the National Catholic Welfare Conference.

Of the pictures reviewed, it was stated, 11 were in foreign languages, 443 were made in this country and 137 were produced abroad. Aside from the 39 pictures to which objection was taken, 545 were classed as unobjectionable for general patronage and 194 as unobjectionable for adults.

In its report, the committee renewed its call to Catholics to follow the decisions of the Legion and to be not mere passive film patrons, but critics as well.

Other sections of the report announced that the Legion has become a member of the International Catholic Office for the Cinema, with headquarters in Brussels. The office serves as a clearing house for information on film development in various countries and now has affiliations in 12 nations. Other important foreign contacts have been made by the Legion, particularly in South America and Europe.

The Episcopal Committee on Motion Pictures consists of Archbishop John T. McNicholas of Cincinnati, chairman; Archbishop John J. Cantwell of Los Angeles, Bishop Hugh Boyle of Pittsburgh, Bishop John F. Noll of Fort Wayne, and Bishop Stephen J. Donahue, administrator of the Archdiocese of New York. Since 1936, nearly 3,000 films have been reviewed and reported upon.

Pathe News Sued on False Arrest Charge

Suit for $75,000 against Pathe News, Inc., Howard Winner, cameraman, and Walter S. Curtayne, a New York police officer, was filed on Friday in the N. Y. Supreme Court by Herman Van Cleef.

The plaintiff, an accountant, claimed that he had been wrongfully arrested and charged with grand larceny on June 6, 1938, at the instigation of the defendants, for the alleged stealing of photographic equipment belonging to Pathe News. On June 13, the plaintiff said, the charge was dismissed in the City Magistrate's Court.

June Storey Borrowed

HOLLYWOOD, Oct. 16. — Margaret Tallichet having refused to play the feminine lead on a loanout from Selznick International, Republic has borrowed June Storey from 20th Century-Fox for "Strongheart."

Republic Takes Original

HOLLYWOOD, Oct. 16.—Republic has purchased an original, "Women Make News," from Robert Andrews and signed Andrews to write the script. Sol C. Siegel will produce.

Reviewers Find Roach Film Is An Entertaining Comedy

New York's daily paper critics for the most part found "There Goes My Heart," Hal Roach feature for United Artists, lively and entertaining comedy. Excerpts from their reviews follow:

Herald Tribune—Heavily seasoned with gags and bits of comic business. . . . The clowning is generally refreshing. Patsy Kelly contributes a racy humor.

Journal American—A lightly diverting comedy. . . . Smartly turned out, the film is a succession of gags held together by a lively plot.

Mirror—Spectacular players, fresh nonsense, exhilarating bouyancy. A good comedy. The best of the Roaches, elaborately funny, generously mounted.

News—Has the current audience at the Music Hall in stitches. . . . A hilarious and dextrous game of tossing of fast quip and pulling a smart gag.

Post—Good. Many lines and situations creating merriment.

Sun—A light-hearted affair. . . . Done on a handsome scale. . . . Affable, funny and deliberately trivial.

World Telegram — Hal Roach achieved a minor triumph. . . . Done with a great deal of sparkle and naturalness. . . . It turns out to be first-rate entertainment.

Garden Appeal in 'U' Suit Set Wednesday

Right to use a corporate name without permission from the company in film exploitation material will be argued Wednesday when the appeal of Madison Square Garden Corp. will be heard in the Appellate Division of N. Y. Supreme Court. The Garden contends that a dismissal of its injunction suit against Universal Pictures Co., Inc., Big U Film Exchange, Inc., and Universal Film Exchanges, Inc., by Justice Bernard L. Shientag on June 8 was improper.

The Garden brought suit in April and alleged that Universal's "Idol of the Crowds" was made to simulate scenes of hockey games at the Garden. Newsreel clips of actual league hockey games were used, and pressbooks used the Garden's name without permission, it was charged. Justice Shientag, in dismissing the suit, ruled that although use of a person's name without permission was prohibited by the Civil Rights Law, a corporation does not enjoy similar protection.

Schenck Notice Is Filed in U. S. Suit

Joseph M. Schenck filed notice of appearance on Friday in the U. S. District Court in the Government anti-trust suit against the eight major companies.

Dwight, Harris, Koegel & Caskey, as Mr. Schenck's attorneys, requested all further papers be served on them.

Plan Three in Carolina

CHARLOTTE, N. C., Oct. 16.—The Carolina Amusement Co. has leased a building in Yanceyville for a new theatre. Construction has started on a $30,000 house in Silver City, N. C., and North Carolina Theatres, Inc., plan their third unit in Wilson, N. C.

Check Awaits Littel

There's a check waiting for Arthur G. Littel at M-G-M home office. Nobody knows where Littel is. Littel, who gave his address as P. O. Box 784, Roswell, N. M., is one of the winners in M-G-M's recent Candid Camera Screen Forecast contest.

The company's Dallas exchange couldn't reach him at Roswell and enlisted the aid of the Roswell exhibitor, who thinks Littel is now in San Antonio. Letters mailed to him care of G. D. have gone unclaimed.

Chicago Engineers Sign New Wage Pact

CHICAGO, Oct. 16.—Theatre engineers have signed a new contract which calls for the same wage scale that prevailed during the summer. This was 10 per cent below the old scale.

The new agreement runs until June 1, 1939. Engineers will receive back salaries for the two weeks they were on strike.

Receiver Sets Fox Theatres At 8 Million

Milton C. Weisman, as receiver of the Fox Theatre Corp., on Friday filed a report on the company as of June 30, 1938, in the U. S. District Court, and listed book value assets of $4,313,890, and liabilities of $7,615,647.

Weisman's own estimation of the assets is $8,120,441, including a valuation of $7,500,000 at which Weisman values the company's claim against William Fox and others, but to which he had given no book value. This claim is under litigation.

Assets were listed as follows:

Cash on hand, $65,843; reserve funds, consisting of eight per cent of claims not yet passed upon or decided, $259,507; accounts receivable, $1,935; claims receivable, $8,203; investments in and advances to wholly owned subsidiary companies, $342,571; sundry investments, $500; office equipment, $1,078; reorganization expenses of 1929 and 1930, $3,693,449.

Liabilities were listed as $1,098,891 due to the Chicago Title & Trust Co.; $6,428,672 for claims allowed, less an eight per cent dividend already paid, and $87,488 reserve for indeterminate liabilities on disputed claims.

Associates to Meet

Motion Picture Associates will hold a regular meeting at Gallagher's tomorrow. The forthcoming dinner-dance is up for discussion.

First—Last—and Only Advertisement

ABOUT

"KUTE KRIS KRINGLE"

The Living-Breathing-Human

3 INCH TALL SANTA CLAUS

The Most Amazing Box-Office Attraction Developed Since the Inception of Show Business.

Due to Limited Number Available We Will Accept Contracts in Order of Receipt.

We own the basic patents.

We have *NO* competition.

He is BEYOND THE SHADOW OF A DOUBT the greatest magnet—the most tremendous attractor of crowds in history.

Kute Kris Kringle

A living, breathing, human SANTA CLAUS.

He stands THREE INCHES TALL in his stocking feet.

He occupies a gloriously appointed, brilliantly lighted, luxurious home, 2½ feet high, 3½ feet long.

He walks, he talks, he sits, he stands, he laughs, he answers all questions.

He's alive—he actually breathes—and leaves your patrons breathless!

In this little house are running electric trains, a lighted Xmas tree, a roomful of colorful toys. A REAL THRILL!

AND HERE'S THE TOPPER! HE TALKS TO YOU—CARRYING ON A RUNNING CONVERSATION.

FIRST COME—FIRST SERVED

Wire-Phone. Best thing to do, come see him yourself

Yermie Stern Commercial Attractions

1902 R.K.O. Building
New York
Phones: Circle 5-7135—7155

32 W. Randolph Street
Chicago
Phone: Central 8505

"Co-Ed" with $12,000 High Denver Draw

DENVER, Oct. 16.—"Hold That Co-Ed," at the Denver led the town with $12,000 at the Denver, while "Boys Town" and Rich Man—Poor Girl" at the Orpheum in the second week, continued to standout business, taking $10,000. The bill moved to the Broadway for a third and possibly fourth week.

Estimated takings for the week ending Oct. 12:

"Girl's School" (Col.)
ALADDIN — (1,400) (25c-40c) 7 days. Gross: $4,500. (Average, $3,500)
"Valley of the Giants" (W. B.)
BROADWAY—(1,100) (25c-40c) 7 days, after a week at the Denver. Gross: $2,000. (Average, 2,500)
"Campus Confessions" (Para.)
DENHAM—(1,700) (25c-35c-40c) 7 days, with El Brendel's stage show. Gross: $6,000. (Average, $5,500)
"Hold That Co-Ed" (20th-Fox)
DENVER—(2,525) (25c-35c-50c) 7 days, with Major Bowes' unit. Gross: $12,000. (Average, $8,500)
"Boy's Town" (M-G-M)
"Rich Man—Poor Girl" (M-G-M)
ORPHEUM—(2,600) (25c-35c-40c) 7 days. Gross: $10,000. (Average, $7,500)
"Broadway Musketeers" (W. B.)
"The Missing Guest" (Univ.)
PARAMOUNT—(2,200) (25c-40c) 7 days. Gross: $3,000. (Average, $3,500)
"Four Daughters" (F. N.)
"Mr. Moto Takes a Chance" (20th-Fox)
RIALTO—(878) (25c-40c) 7 days, "Four Daughters" after a week at each the Denver and Aladdin. Gross: $2,000. (Average, $2,500)

"Sinners" $8,000 Indianapolis Top

INDIANAPOLIS, Oct. 16.—"Sing You Sinners," with "Campus Confessions" at the Circle, did the best business here in a strong and steady week. The take was $8,000, which was $3,500 to the good, and the bill was moved to the Apollo for a second week.

"Straight, Place and Show" on the screen with a vaudeville bill headed by Hugh Herbert hit $12,000 at the Lyric, $4,000 in the black.

Estimated takings for the week ending Oct. 7:

"Valley of the Giants" (W. B.)
APOLLO—(1,100) (25c-40c) 7 days. Gross: $3,500. (Average, $3,000)
"Sing You Sinners" (Para.)
"Campus Confessions" (Para.)
CIRCLE—(2,800) (25c-40c) 7 days. Gross: $8,000. (Average, $4,500)
"Too Hot To Handle" (M-G-M)
LOEW'S—(2,800) (25c-40c) 7 days, 2nd week. Gross: $6,000. (Average, $7,000)
"Straight, Place and Show" (20th-Fox)
LYRIC—(2,000) (25c-40c) 7 days. Stage: Hugh Herbert; vaudeville. Gross: $12,000. (Average, $8,000)

Three Companies Formed

ALBANY, Oct. 16.—New incorporations here are: Concourse Theatre, Inc., by Myron J. Glantz, Charles Segal and Benjamin Davidson; Newscasting Corp., David Rosenblum, Sadie Levick and Joseph G. Gubman; Lebor Corp., by Mildred Miller, Moses B. Sherr and Louis Mandel.

Form Australian Firm

SYDNEY, Sept. 26.—Major Films has been established by A. R. Harwood, director of production for New Era Films, to market Australian made product only.

Out Hollywood Way

HOLLYWOOD, Oct. 16. — ROGER DANIEL, 14-year-old Glendale high school boy, has been signed by RKO for the lead opposite ANNE SHIRLEY in "The Pure in Mind," which will be P. J. WOLFSON's first production assignment.

ANN RUTHERFORD plays in "The Ghost of Christmas Past" and LIONEL BRAHAM "The Ghost of Christmas Present" in M-G-M's "A Christmas Carol" . . . M-G-M is considering addition of a new series of pictures to its two current groups—"The Hardy Family" and "Dr. Kildare." One will feature MELVYN DOUGLAS, who will continue to portray his role of "Joel Sloane." He has been given a new term contract.

M. H. HOFFMAN's first production assignment since joining Republic will be "Phantom of the Circus," for which TAYLOR CAVEN is doing the screenplay. IRVING CUMMINGS has temporarily replaced HENRY KING on the direction of 20th Century-Fox's "Three Musketeers." KING has entered the Good Samaritan Hospital because of an ear infection . . . Another young skater, five-year-old PATRICIA PETERSON, native of Denmark, is seeking a chance in films . . . ROBERT KENT has been signed to appear opposite ANNE NAGEL in E. B. DERR's "Gang Bullets," for Monogram release.

+

Casting—PAULINE MOORE in "Three Musketeers," and SLIM SUMMERVILLE in "Jesse James," 20th Century-Fox . . . PAULETTE GODDARD has been borrowed by Republic for "Strongheart."

+

Writers—FREDERICK JACKSON has been signed by M-G-M to collaborate on a story with LAURENCE STALLINGS, and LOUIS WEITZENKORN is developing an original at Warners, under deals arranged by LAURA WILCK.

"Safety" and Heidt Gross $17,200, K.C.

KANSAS CITY, Oct. 16.—"Safety in Numbers," with Horace Heidt and his band on the stage, turned in a smash $17,200 for the week at the Fox Tower. This was $10,200 over normal.

"You Can't Take It With You" went to $14,000, $2,500 better than average. Outside competition was represented by two home games of the Kansas City-Newark baseball playoffs. The weather was extremely warm.

Estimated takings for the week ending Oct. 5-6:

"Four's a Crowd" (W. B.)
"Sons of the Legion" (Para)
NEWMAN—(1,900) (25c-40c) 7 days. Gross: $7,200. (Average, $7,000)
"My Lucky Star" (20th-Fox)
ESQUIRE—(800) (25c-40c) 7 days, 2nd week. Gross: $3,100. (Average, $3,500)
"You Can't Take It With You" (Col.)
MIDLAND—(4,000) (25c-40c) 7 days. Gross: $14,000. (Average, $11,500)
"Room Service" (RKO)
ORPHEUM—(1,500) (25c-40c) 7 days. Gross: $4,100. (Average, $5,000)
"Safety in Numbers" (20th-Fox)
FOX TOWER—(2,200) (25c-35c-55c) 7 days. Stage: Horace Heidt & his Alemite Brigadiers. Gross: $17,200. (Average, $7,000)
"Letter of Introduction" (Univ.)
UPTOWN—(2,000) (25c-40c) 5 days, 2nd week. Gross: $2,800. (Average, 5 days, $3,000)

To Show "Back Street"

HAILTON, O., Oct. 16.—In honor of Fannie Hurst, who will speak before the Womens' City Club here Nov. 7, the Paramount, Southio unit, will show "Back Street," which contains several local scenes and references. Miss Hurst was born in Hamilton.

Cecelia Ball Dies

PITTSBURGH, Oct. 16.—Cecelia Ball, employed at the 20th-Fox exchange here, died here after a long illness. She was a sister of George Ball, booker at the same office.

"Can't Take" Big $10,500 New Haven

NEW HAVEN, Oct. 16. — "Four Daughters" and "Mr. Doodle Kicks Off" took $7,500 at the Roger Sherman, over par by $2,800, and the bill was held for a second week.

At the Loew-Poli "You Can't Take It With You" grossed $10,500, topping average by $2,500, and joined the long line of hits which have moved to the College for a second week. "Marie Antoinette" at the College took $2,600 in its second week.

Estimated takings for the week ending Oct. 7:

"Marie Antoinette" (M-G-M)
COLLEGE—(1,499) (35c-50c) 7 days, 2nd week. Gross: $2,600. (Average, $2,800)
"You Can't Take It With You" (Col.)
LOEW-POLI—(3,040) (35c-50c) 7 days. Gross: $10,500. (Average, $8,000)
"Army Girl" (Republic)
"We're Going To Be Rich" (20th-Fox)
PARAMOUNT—(2,348) (35c-50c) 5 days. Gross: $3,000. (Average, $4,400)
"Four Daughters" (W. B.)
"Mr. Doodle Kicks Off" (R-K-O)
ROGER SHERMAN—(2,200) (35c-50c) 7 days. Gross: $7,500. (Average, $4,700)

Plan Minneapolis House

MINNEAPOLIS, Oct. 16. — Harold Field, head of Pioneer Theatres and the Midwest Recording Co., has been granted a permit for a house in St. Louis Park, village bordering on Minneapolis. It will cost $100,000 and seat 1,000.

Open House Tomorrow

PITTSBURGH, Oct. 16. — Warners opened their newest house in the Pittsburgh zone, the State at State College, Pa., on Saturday night. It is a 1,500-seat theatre, and gives Warners three situations in the college town, the others being the Cathaum and the Nittany.

Restrain Theatre Lease

FRANKFORT, Ky., Oct. 16.—A temporary order restraining an Odd Fellows lodge from leasing the Strand in Shelbyville was upheld by the State Court of Appeals. The original order was obtained by the Schwartz Amusement Co. and J. J. Schwartz.

"Straight" Is High Draw in Detroit Week

DETROIT, Oct. 16.—"Straight, Place and Show," on a dual with "City Streets," took $4,500 at the Adams for the best comparative take. Reissue "Cavalcade," aided by Ethel Shutta on the stage, drew $18,000 against a $20,000 average. "Boys Town," in its third week at the United Artists, did $6,000.

Estimated takings for the week ending Oct. 7:

"Straight, Place and Show" (20th-Fox)
"City Streets" (Col.)
ADAMS—(1,770) (10c-40c) 7 days. Gross: $4,500. (Average, $5,000)
"Cavalcade" (20th-Fox) (Reissue)
FOX—(5,000) (15c-65c) 7 days, reissue. Gross: $18,000 (Average, $20,000) Stage, Ethel Shutta.
"Four Daughters" (W.B.)
"The Divorce of Lady X" (U.A.)
MICHIGAN — (4,000) (15c-65c) 7 days. Gross: $11,000. (Average, $15,000)
"The Texans" (Para.)
"King of Alcatraz" (Para.)
PALMS-STATE—(3,000) (10c-50c) 7 days. Gross: $5,200. (Average, $5,000)
"Boys Town" (M-G-M)
UNITED ARTISTS — (2,000) (15c-50c) 7 days, 3rd week. Gross: $6,000. (Average, $10,000)

"Can't Take" Is Pittsburgh's Best

PITTSBURGH, Oct. 16.—It was all "You Can't Take It With You" last week, the Alvin running way ahead of the rest of the town at $16,500. The picture was held a second week.

"Boys Town" finished very strong at the Warner, doing $7,900 in its third downtown week.

Estimated takings for the week ending Oct. 6:

"You Can't Take It With You" (Col.)
ALVIN—(1,850) (25c-50c) 7 days. Gross: $16,500. (Average, $6,500)
"Hold That Co-ed" (20th-Fox)
FULTON—(1,750) (25c-40c) 7 days. Gross: $5,100. (Average, $4,500)
"Algiers" (U. A.)
PENN—(3,300) (25c-50c) 7 days. Gross: $11,500. (Average, $11,000)
"Three Loves Has Nancy" (M-G-M)
STANLEY—(3,600) (25c-60c) 7 days. Stage: Chester Morris, Lou Breese's band, 6 Antaleks, Nancy Healy, 3 Sophisticates. Gross: $13,750. (Average, $18,000)
"Boys Town" (M-G-M)
WARNER—(2,000) (25c-50c) 7 days, 3rd week. Gross: $7,900. (Average, $5,000)

Griffith Considers Employes' Pensions

OKLAHOMA CITY, Oct. 16.—Griffith Amusement Co., partners and stockholders, are considering a pension retirement fund for 700 Griffith circuit employes to supplement the Federal Social Security plan.

As proposed the plan would cost the employe three to four per cent of his salary and the company would also contribute. If adopted, the plan will apply only to those employes of the Griffith organization 30 years of age or over. The pension fund would be handled by a legal reserve insurance company in the form of retirement income policies.

The 700 Griffith employes now have $1,250,000 worth of insurance in force in the form of life, and sick and accident insurance. The employes also participate in an employes' benefit trust fund for hospitalization and medical care.

Expect Report To Ask Ending Of Superpower

WASHINGTON, Oct. 16. — Rumors that the three-man committee which some weeks ago held hearings on renewal of W. L. W.'s super-power permit was preparing a report recommending revocation, today threatened to precipitate another "incident" in the stormy Federal Communications Commission.

That a report is in course of preparation was admitted but members of the commission said it was not yet ready for consideration. However, it was rumored, revocation of the super-power experimental permit will be recommended on the ground, among others, that in view of the Senate's expression that power in excess of 50 kilowatts was not in the public interest, it would be unfair to permit one station to use high power unless others could be given the same privilege.

Other grounds for the reported decision were said to be the fact that smaller independent stations were seriously jeopardized by W. L. W., whose programs were receivable over the greater portion of the country, and the welfare of the broadcasting industry as a whole and the interests of the listening public demanded that protection be granted the regional and local stations which are threatened.

Such a report, it is said, will not be palatable to Chairman Frank R. McNinch and certain other members of the F. C. C., who unsuccessfully sought to prevent the holding of the hearings, an understanding that any action taken by the commission against super-power would not apply to W. L. W. is said to have facilitated passage of the Senate resolution.

Two Station Permits Are Sought from FCC

WASHINGTON, Oct. 16.—Applications for authority to construct two new broadcasting stations have been received by the Federal Communications Commission.

The St. Lawrence Broadcasting Corp., the commission reported, has filed application for a 1,310-kilocycle station at Ogdensburg, N. Y., to operate with 100 watts power night, 250 watts day; and the Grand Traverse Broadcasting Co. has filed application for a 1,370-kilocycle station at Traverse City, Mich., also with 100 watts night, 250 watts day.

Other applications received included those of WBEO, Marquette, Mich., for increase of day power from 100 to 250 watts, and WHLS, Port Huron, Mich., for extension of time from day to unlimited with 100 watts power night, 250 watts day.

Hooper Expands Reports

Reports on radio listening, compiled by Clark Hooper, Inc., have been expanded to increase the size of the audience sample on individual programs, per reported hour, from 4,000 to a maximum of 24,000 on day programs and from 1,600 to a maximum of 4,800 on night shows. The reports will show program results for large and small cities, separately and combined.

The World Listens

Once again the greatest first night in radio, the premiere of the NBC symphony orchestra under Arturo Toscanini, an event which transcends everything and anything in the worlds of music and radio, came to pass Saturday night.

The guest list of those who were on hand to welcome the maestro reads like a "Who's Who" of theatrical, social, music, and business life. A partial list of attendants includes Mme. Lotte Lehman, John Barbirolli, Mrs. Otto Kahn, Grover Whalen, Giovanni Martinelli, Neville Miller, Efram Zimbalist, Richard C. Patterson, assistant Secretary of Commerce; Alfred J. McCosker, David Bernstein, Loew's vice-president, and Mrs. Bernstein; David Sarnoff, Mr. and Mrs. Will Hays, Mr. and Mrs. Ogden Reid, Mr. and Mrs. Arthur Hays Sulzberger, Merlin H. Aylesworth, J. Cheever Cowdin.

Muzak Advertising Division Is Formed

Muzak, Warner controlled company which pipes recorded music over telephone lines to home, restaurant and bar and grill clients, has formed a new commercial division to sell advertising, calling it Muzak Sponsored Program Service.

Advertising will be sold only to firms making products that can be purchased in dining and drinking establishments, and the copy will be broadcast only over a special wire serving Muzak clients of that nature. Muzak itself will not be commercialized, according to the company, which states there will be no sponsorship of the musical portion of the entertainment.

Transradio News Service has been signed by Muzak to provide it with news service. The contract is for three five-minute news periods a day, a sports news program at 6 P. M., and news flashes provided throughout the day as the news occurs. The service will be rendered from 11:30 A. M. to 2:30 the following mornings.

Deny Series Will End

A report that the Woodbury Playhouse series, which features Charles Boyer, would be replaced with another series was officially denied at the agency handling the program, Lennen & Mitchell. It was said there that Boyer was signed until the end of the year and that the program would continue at least until the year's close. The companion Woodbury show, featuring Walter Winchell, will continue.

Guests on Goodman Show

R. J. Reynolds Co., sponsoring the Benny Goodman broadcasts for Camel cigarettes over CBS, will revise the show to include weeklv appearances of stage, screen and radio guest talent. The program has featured Goodman's swing music only. The William Esty agency is now lining up the guest talent.

▸ Radio Personals ◂

THE Eddie Duchin band will be eight years old this week. . . . Script writer George Lowther of the "Dick Tracy" and "Terry and the Pirates" programs off on a 10-day hunting trip with William Kunz, Chase National Bank vice-president. . . . Jack Negley of WINS now at the Roxy for a week. . . . Rosalind Russell and James Stewart have been booked for leads in "Silver Theatre" Oct. 23. . . . Charley Godwin, Charles Singer, John Morse, Ed Franke and Ray O'Neill almost were blown up when they were caught too near an exploding oil tank while covering the Linden fire for Mutual. . . . WOR-Mutual has hired WMCA's large show studio for presentation of the new Mennen show, "People's Rally," because the WOR-Mutual Playhouse is in use Sunday afternoons.

✚

JOHN McMILLIN, radio director for the Compton agency, will return to New York today after spending a week with Procter & Gamble officials in Cincinnati regarding the radio programs produced for P & G by Compton.

RCA-Philco Case Is Delayed for Appeal

WILMINGTON, Oct. 16.—Chancellor Josiah O. Wolcott in Chancery Court here ordered that proceedings for royalty accountings in the suit and cross suit of Philadelphia Storage Battery Co., parent firm of Philco Radio and Television Corp., against RCA will be stayed pending determination of an appeal, if an appeal is taken by RCA to the State Supreme Court within 30 days.

Order in which the provision was made was in conformity with an opinion given by the chancellor some time ago in litigation in which he enjoined RCA from terminating a licensing agreement with P. S. B. on radio patents held by RCA and dismissed the RCA suit for the right to terminate the agreement.

Develop Radio Finder

A new radio direction finder for airplanes has been developed by the Sperry Gyroscope Co. in collaboration with RCA. The new direction finder operates automatically and continuously when once tuned to a radio station and continues to give bearings up to the point of passing over a station, thus eliminating the cones of silence on radio airway beams.

Coughlin on Air Nov. 6

Father Charles E. Coughlin will return to the air Nov. 6, after being away from the microphone for some time. A 44-station network, especially designed, will carry the radio priest's talks. Locally, the talks will be heard over WHN. The talks will be for an hour instead of a half-hour as in the past.

Bannvart Joins Biow

E. J. Bannvart has been appointed vice-president of the Biow Co. in charge of new business. He was formerly with Blackett-Sample-Hummert.

Banner LINES

EDDIE CANTOR phoned Major Bowes' Bessie Mack from Hollywood after the Major's last program and asked that Mort Rappe, a young alto tenor who sang on the amateur hour, be advised that Eddie wants him for an appearance on his own program when he brings his troupe to New York next month.

▼

The opening commercial on the Tuesday night Camel program advises listeners to light up with a Camel because they're soothing to the nerves. Follows immediately after the blaring swing of Benny Goodman's band, which is hardly soothing music.

▼

Parks Johnson, the "Vox Popper," was besought by one of those who crowd about his microphone to put him on the air, which Parks did. After the program, the stranger gave Parks a sealed envelope, with instructions it not be opened until the following day. Parks, the next day, found a $10 bill in the envelope with a note saying the money was in appreciation for allowing the giver to go on the air. Parks has turned it over to charity.

▼

Frank Parker, who finished his three-guest appearances on the Burns and Allen program last Friday, has been re-signed for 26 weeks of regular appearances on the show starting some time in January. He'll go to the coast to appear in the series.

▼

Ben Bernie tried to buy a puppy police dog from an itinerant street performer near the CBS building the other night, but a no sale resulted. The pup was being put through a clever routine for pennies from the crowd when the old maestro happened along. Attracted to the dog, Ben offered to buy it, but the owner wouldn't sell.

▼

Bernice Judas, manager of WNEW, will co-manage WINS for Milton Biow if the F.C.C. approves Biow's purchase of the station.

—JACK BANNER

Move Radford to CBL

VANCOUVER, B. C., Oct. 16.—After more than five years as station manager of CBR here, Jack Radford has been transferred to CBL Toronto, where he will be responsible for production of programs for the eastern and coast-to-coast network.

Air News Censored

Paris, Oct. 16.—The French Government has established censorship over news broadcasts issued over the 11 largest privately owned stations in the nation. The order covers news broadcasts of political, economic and financial matters. The stations now will be required to submit to the government daily the full text of all news talks for approval before they are broadcast.

6

BOXOFFICES SWAMPED AS 'SUEZ' HITS 207% PACE OPENING DAY ROXY, N. Y.

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

DO NOT REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 44. NO. 76 NEW YORK, TUESDAY, OCTOBER 18, 1938 TEN CENTS

NBC Blue Net Starts Drive For Business

Nelson Develops Plan to Give Bonus Hookups

NBC's long awaited move to promote business interest in its NBC Blue network was started yesterday at a special trade meeting yesterday in the offices of A. E. Nelson, recently brought in from Pittsburgh as Blue network sales manager.

Chief features brought out at the meeting were the result of a nationwide rural survey by Jack Green of NBC, showing the Blue in favorable light as a listening medium, and a new sales setup for the Blue whereby especially constructed hookups will be

(*Continued on page* 14)

Kane Will Make 12 To Cost 4 Million

London, Oct. 17.—Twentieth Century-Fox will produce 12 pictures here under the supervision of Robert T. Kane, in charge of British production, at an estimated cost of $4,000,000. While they are planned for the English market, at least five will be made for possible release in the United States.

The films scheduled include "Keep Smiling," already completed and shown to the trade here last week; "Sally of the Shipyards," with Gracie Fields; "Frenchy," with Annabella; a second untitled vehicle for Annabella; "So This Is London," "Handley Cross," "Hangman's House," "The Dancers."

Eiseman to Manage UA New York Branch

Pittsburgh, Oct. 17.—Clarence Eiseman, United Artists exchange manager here for the the past three years, has been named manager of the company's New York exchange, where he will take the post left vacant some time ago by the resignation of Charles Rosenzweig.

Abe Weiner, Boston salesman, has been named to succeed Eiseman here. Eiseman came here from Atlanta to replace Bert Stearn when the latter was promoted to district manager with headquarters in Cleveland.

More Radio—P. 14

Two All-Night Shows

For the first time in years Broadway has all-night film shows—not one, but two.

"Dark Rapture," which opened a week ago Saturday at the Globe, stayed open all night Saturday for the first time, closing at 6 A. M. Sunday and reopening 2 P. M. because of a Sunday law. Since then the shows have been continuous.

"Dracula" and "Frankenstein" opened at the Rialto yesterday morning and will stay on a 24-hour basis as long as business holds up.

Casey Arrives for Musicians' Talks

Pat Casey, producers' labor representative, arrived in New York yesterday from the coast to sit in at the conferences between company heads and the American Federation of Musicians Thursday on proposals for increasing employment of musicians in theatres. Casey may also open negotiations with the newsreel cameramen's union on a new two-year contract on behalf of the newsreels during his stay here.

Joseph N. Weber, president of the American Federation of Musicians, is reported to have several proposals for increasing employment opportunities for musicians in theatres to submit to heads of the five companies with theatre affiliates. Representatives of Loew's, Paramount, RKO, 20th Century-Fox and Warners will attend the meeting. Casey plans to leave for the coast as soon as the conferences are concluded.

TRADE READY FOR SELF - REGULATION

Temperature and Grosses Soar in Broadway's Heat

A record high temperature of 87 degrees yesterday sent crowds to Broadway first runs. All managers reported business excellent. Air conditioning systems, which had been circulating warmer air since the cool spell, were turned on for cool air.

"Suez" looks like the leader, the Roxy attraction appearing to head for a $64,000 gross for the week, after taking $36,038 from opening Friday through Sunday. At 5 P. M. yesterday it was predicted the day's take would reach $9,000, making $45,000 for the four days. Yesterday's business was 25 per cent better than Friday. Attendance for the four days was over 87,000. This beats everything the Roxy has played under its present policy except "Alexander's Ragtime Band."

"The Sisters" set a weekend record at the Strand, a gross of $31,000 being reported. The film is in for a three-week run. Horace Heidt and his band are the stage show headliners. Extra shows were added Saturday and Sunday midnight, with the house grinding to 4 A. M.

"If I Were King" continues at a strong pace at the Paramount, with $25,000 in the till for Friday, Saturday

(*Continued on page* 2)

Gradwell Sears, Warner Sales Chief, on Distributor Committee

Allied States and M.P.T.O.A. have designated their negotiating committees and have begun the drafting of their individual trade practice proposals which each will submit to the distributors' committee in separate meetings at the Union League Club tomorrow.

Gradwell L. Sears, president of Vitagraph and general sales manager of Warner Bros., was named yesterday to the distributors' negotiating committee. This committee comprises Sidney R. Kent, (20th), honorary chairman; William F. Rodgers (MGM), chairman; Ned E. Depinet (RKO) and A. Montague (Col.).

Nicholas M. Schenck (MGM) and Leo Spitz (RKO) are alternate honorary chairmen.

Meet First with MPTOA

The M.P.T.O.A. committee will open the negotiations with a morning meeting at 10:00 o'clock tomorrow, which will be followed by an initial session with Allied in the afternoon.

A negotiating committee of 10 was designated yesterday by M.P.T.O.A. Members are Ed Kuykendall, O. C. Lam, M. C. Moore, Mack Jackson, Ed Levy, Arthur Lockwood, Charles E. Williams, H. V. Harvey, Lewen Pizor and Sam Pinanski.

This committee, in a three-hour session at M.P.T.O.A. New York headquarters yesterday, outlined the organization's policy and began the drafting of the trade practice program which

(*Continued on page* 5)

Schaefer's Entry Into RKO Now Up to Irving Trust Co.

Irving Trust Company, trustee of RKO, may induct George J. Schaefer, immediately to direct RKO operations. This possibility is to be taken up at a meeting of creditors, today, and which will be attended by the trustee's representatives. It is up to the trustee. Under such a move, it is assumed that Schaefer will take charge of RKO, as representing the trustee. Presumably, he will ascend to the presidency of the company, upon the firm's reorganization.

It is the hope of creditors that this may be soon and that Federal Judge William O. Bondy will not wait until Oct. 25, date of the next hearing on confirmation of the pending plan of reorganization, but file his approval and confirmation of the plan, this week. Neither creditors nor the trustee are desirous of causing any hiatus in the operations of RKO, now that Leo Spitz, president of the firm, is determined to retire, notwithstanding the insistence of interested parties to have him continue.

Mr. Spitz will retire and become special counsel to the company.

The M. J. Meehan people were most anxious for Spitz to stay.

Additionally, the trustee is impressed by the fact that at the recommendation of Leo Spitz, there is a unanimous creditor sentiment favoring Mr. Schaefer as his successor.

Labor Trouble Again Faces Mexican Trade

By JAMES LOCKHART

Mexico City, Oct. 17. — Labor trouble again is disturbing the Mexican industry. The Workers' Federation has demanded the employment of more of its members in studios. Both the producers and studio workers' organization are opposed to the demand. The Government is making every effort to settle the controversy before it disrupts the industry.

Only recently a jurisdictional fight between film unions was settled after it had caused the suspension of all Mexican production. At that time it was believed the settlement had established permanent labor peace in the Mexican industry.

Tentative Program Of MPTO Meet Set

OKLAHOMA CITY, Oct. 17.—Tentative outline of the program for the national M. P. T. O. A. convention to be held here Oct. 30 through Nov. 2, have been disclosed by Morris Loewenstein, general convention chairman.

The first day, Sunday, will be featured by the president's evening reception at the Biltmore Hotel. Entertainment will be furnished.

At noon Monday, Tuesday and Wednesday, delegates will have luncheon in the Biltmore Hotel, the price for which will be included in the $10 registration fee for delegates attending. Monday night a stag party will be held. Monday night the ladies will be entertained by a harp and string orchestra and floor show, probably at the Oklahoma City Golf and Country Club. Monday afternoon the ladies will be entertained at a luncheon and an automobile tour of the city.

Wednesday night will be featured by the grand finale, the Movie Ball, which will be open to the public. Music will be furnished by Allen Clark's WKY orchestra.

Industry to Honor Ickes at Luncheon

HOLLYWOOD, Oct. 17.—An informal luncheon will be tendered Secretary of the Interior Harold Ickes by the industry Wednesday at the 20th Century-Fox studio cafe.

In the committee in charge of arrangements are Darryl F. Zanuck, W. S. Van Dyke, Donald Ogden Stewart, Dudley Nichols, Ralph Morgan, Jerome Kern and Philip Dunne.

Ask Du World Testimony

Suit for $3,000 against Du World Pictures, Inc., was revealed in the N. Y. Supreme Court yesterday when Societe Agatos, S. A., filed application for an examination before trial of Arthur A. Mayers, president of Du World.

Plaintiff contends that the defendant breached a contract made on March 15, 1935, whereby the defendant allegedly agreed to sell and distribute a film, "Sans Famille," and to remit 65 per cent of the gross to the plaintiff. The plaintiff claims that $3,000 under the contract is due to it.

Erickson to Coast

Clarence Erickson, treasurer for Walter Wanger Productions, left yesterday for the coast after two weeks here putting the finishing touches on the $1,500,000 financing of the Wanger company.

MITCHELL MAY, Jr.
CO., INC.
•
INSURANCE
Specializing
in requirements of the
Motion Picture Industry
75 Maiden Lane, New York
510 W. 6th St. Los Angeles

Insiders' Outlook

HOW much do top executives of film companies spend for luncheons? The answer was supplied Saturday at the seven-hour session of the Hays office directors, which was broken by a luncheon at 1 o'clock. Trays laden with food were sent up by relays from a restaurant on the second floor of the building. There were 14 attending the meeting and 15 luncheons were ordered. The ringer was Carl Milliken. The check came to $40.05. Added to it was a $4 tip for two waiters.

▼ ▼

William F. Rodgers, M-G-M general sales manager, told trade paper reporters in Chicago Saturday, en route here, that the dinner in Minneapolis for Edward A. Golden, Monogram vice-president, was very enjoyable, and praised Al Steffes for the manner in which it was staged.

▼ ▼

In his recent publicity tour of several cities on behalf of Hal Roach's film, "There Goes My Heart," Alan Mowbray, besides making personal appearances at theatres and being formally adopted a citizen in these towns, experienced other adventures.

Among these were receiving a pipe purchased with pennies contributed by school children; lunch at the home of a local newspaper editor; and being the guest of honor at a square dance. Now Mowbray is going on another tour to absorb some more of this.

His friends say he likes it and that Mowbray, who is a British subject, believes such trips, under proper handling, could do much to foster good will for the studios.

▼ ▼

John Maxwell's court action against Ostrers of Gaumont British has been settled out of court. Scheduled for hearing today, the case involved alleged misrepresentation charged by Maxwell in connection with the purchase of shares in Metropolis & Bradford Trust, G. B. holding company. Maxwell claimed to have been led to believe that he could acquire control of G. B. through the purchase, but later was unable to buy the holdings of either 20th Century-Fox or M-G-M.

◂ Purely Personal ▸

HARRY GLICKMAN, president of Mecca Film Laboratories, is recuperating from an operation at Sydenham Hospital, 123rd St. and Manhattan Ave., where he is expected to remain another two weeks.

•

RUDY and MRS. STRAVITZ of the Colonial, Monroe, N. Y., were visitors at the U.A. exchange yesterday. Another visitor to that office was BEN KNOBEL of the circuit bearing his name.

•

LOUISE CAMPBELL, who recently finished in "Men with Wings" for Paramount, will arrive tomorrow morning on the Twentieth Century for a vacation.

•

HARRY BROWNING of the M. & P. circuit was in town yesterday for conferences at Paramount. He flew back to Boston last night.

•

JOHN T. HOLMES, new president of the Warner Club, will be guest of honor at a dinner at the Hotel Dorset Friday night.

•

CHARLES STERN, U.A. district manager, returned to his desk yesterday following a tour of branches in the surrounding territory.

•

JOSEPH N. WEBER, American Federation of Musicians president, is expected in New York from Houston tomorrow.

•

MONROE GREENTHAL left for Chicago yesterday to handle the advance campaign on "Drums."

•

TOM GORMAN is now in Chicago.

KARL MACDONALD, Warner supervisor in Latin America, is on his way to Cuba, Puerto Rico, Trinidad, Venezuela and Jamaica. He is making the trip by air.

•

W. RAY JOHNSTON, Monogram president, was detained on the coast by business and may not return to New York until the end of the month.

•

E. V. RICHARDS, Saenger circuit head, left for New Orleans over the weekend after a brief visit at the Paramount home office.

•

GAIL PATRICK and her husband, ROBERT COBB are due in New York today. They plan a New England vacation trip.

•

JOSEPH M. SCHENCK, 20th Century-Fox chairman of the board, expects to remain here another week or 10 days.

•

CARL LESERMAN, Warners assistant general sales manager, has returned from the coast.

•

JAMES R. GRAINGER, Republic president, has returned from an extended business trip.

•

FRANK C. WALKER has returned from a three weeks' visit to Butte, Mont.

•

HARRY M. WARNER plans to leave for the coast next Sunday.

•

AL LICHTMAN left for the coast last night.

•

OTTO KRUGER is booked to sail on the *Queen Mary* tomorrow.

Temperature and Grosses Soar in Broadway's Heat

(*Continued from page* 1)

and Sunday. The film will enter a fourth week tomorrow.

Universal's "horror" combination of "Dracula" and "Frankenstein" yesterday gave the Rialto its biggest opening since the first Louis-Schmeling fight pictures three years ago. The theatre expects a record take and a two-week run. "The Last Express," which preceded the current attraction, grossed $7,100 in the week.

"The Mad Miss Manton" will go into the Music Hall Thursday, following a one-week run of "There Goes My Heart." "Marie Antoinette" today enters its 10th week at the Astor as a two-a-day roadshow, and tickets are being sold two weeks in advance.

"Dark Rapture" will start a third week at the Globe Saturday, while the Capitol will have a new film, "Stablemates," opening Thursday, following a three-week run of "Too Hot to Handle." "Service De Luxe" will start Saturday at the Rivoli, and "Girls on Probation" goes into the Criterion Thursday.

Freeman to Chicago On Trust Suit Talk

Y. Frank Freeman, Paramount vice-president and theatre head, went to Chicago yesterday for conferences with B. & K. officials and counsel on the anti-trust action filed in Federal court there by independent exhibitors and developments in connection with a possible out-of-court settlement of the action.

Freeman is expected back in New York Thursday.

Para. Men Off to Studio

Barney Balaban, Paramount president; Stanton Griffis, chairman of the executive committee; Neil Agnew, vice-president and distribution head, and Russell Holman, eastern story and talent head, left for the studio by train yesterday. They will remain there about two weeks setting plans for productions to go into work during the next three months.

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

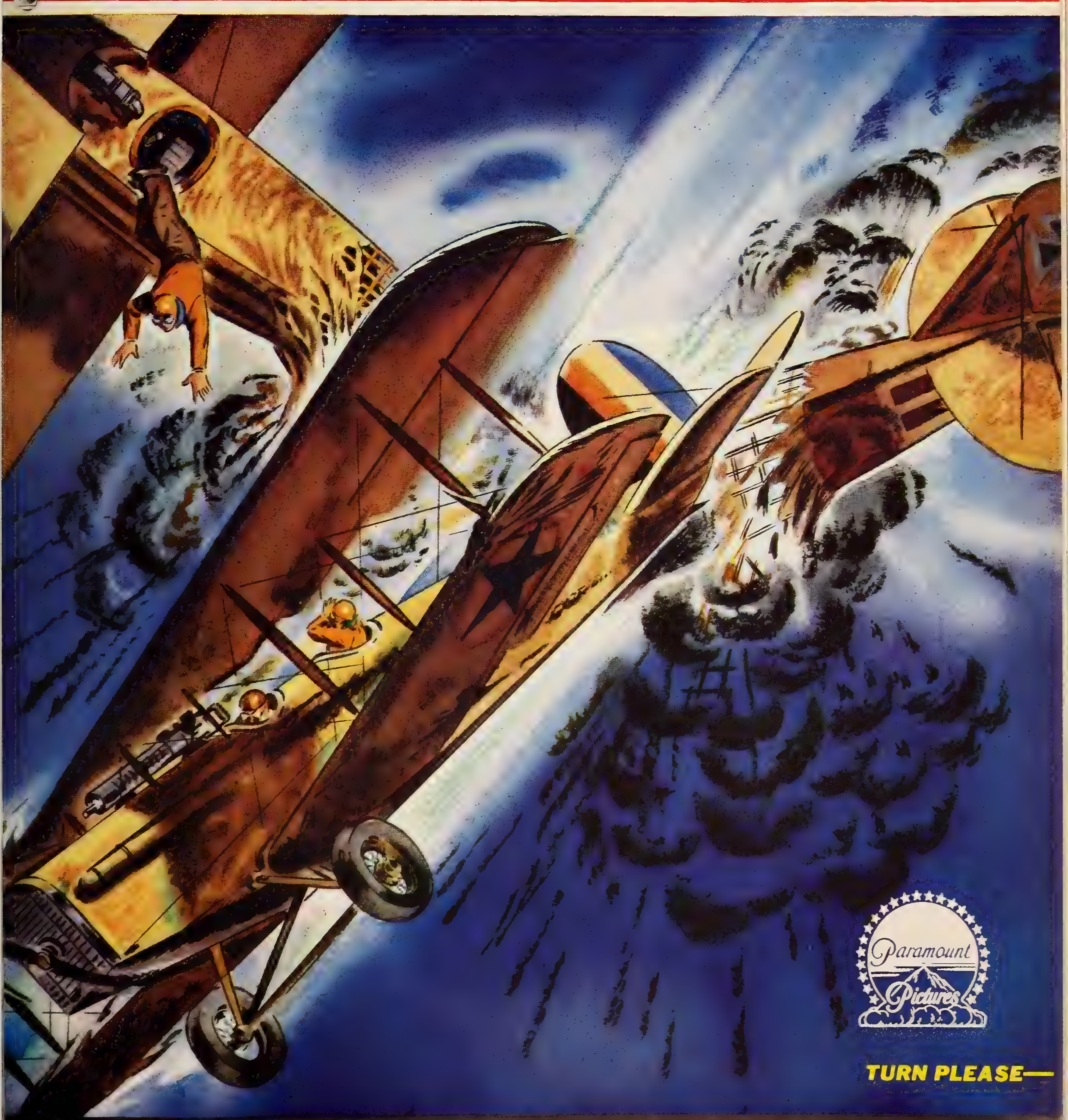
Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS:—*Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address. Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

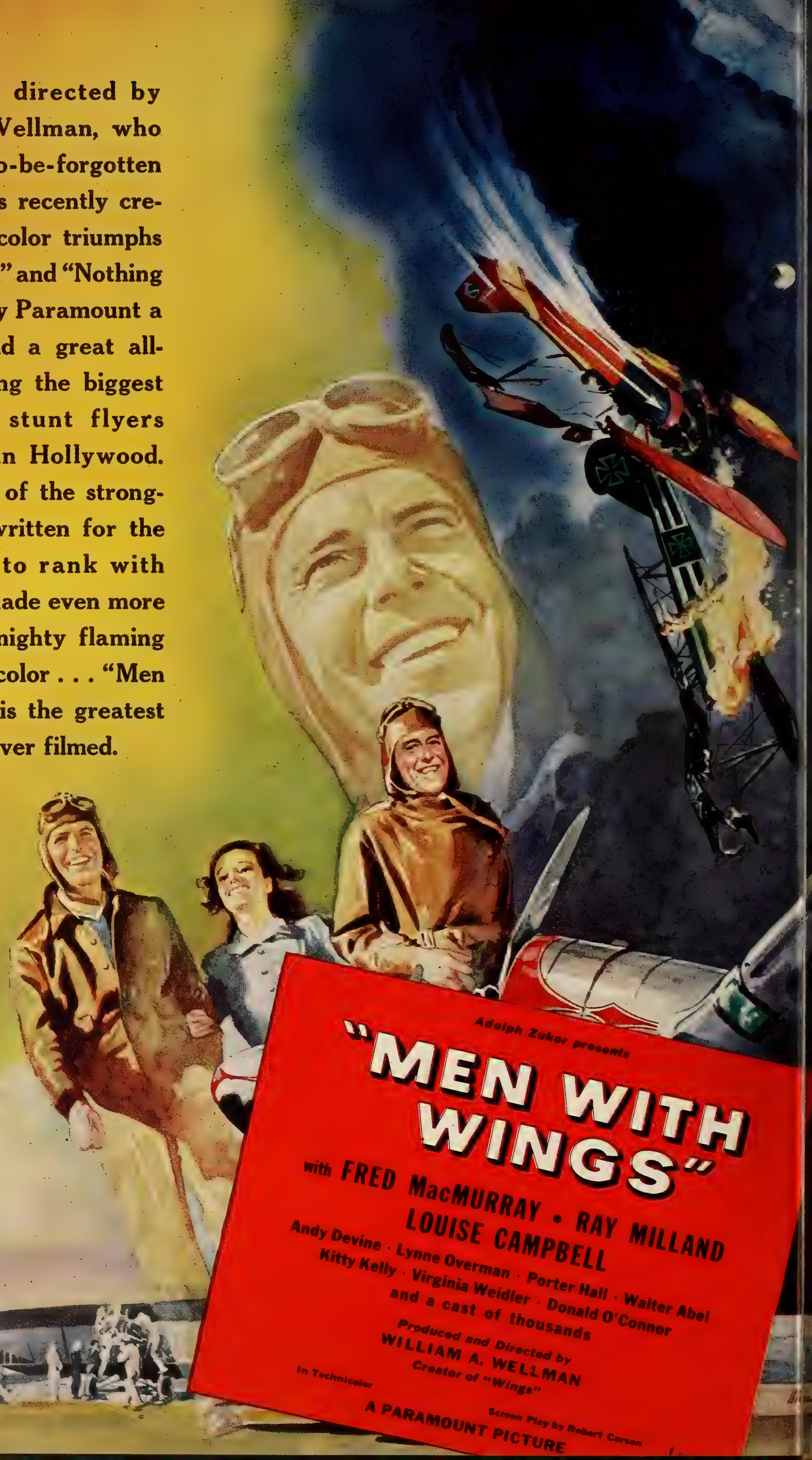
CRASH


Paramount Pictures

TURN PLEASE—

ARAMOUNT'S ALL TECHNICOLOR CAVALCADE OF AVIATION "MEN WITH WINGS"

Produced and directed by William A. Wellman, who gave you never-to-be-forgotten "Wings," who has recently created such Technicolor triumphs as "A Star Is Born" and "Nothing Sacred." Given by Paramount a lavish budget, and a great all-star cast, including the biggest aggregation of stunt flyers ever assembled in Hollywood. Possessed of one of the strongest stories ever written for the screen, a story to rank with "Cavalcade" ... made even more glorious by the mighty flaming power of Technicolor ... "Men With Wings" ... is the greatest aviation picture ever filmed.



Adolph Zukor presents

"MEN WITH WINGS"

with FRED MacMURRAY • RAY MILLAND
LOUISE CAMPBELL
Andy Devine · Lynne Overman · Porter Hall · Walter Abel
Kitty Kelly · Virginia Weidler · Donald O'Connor
and a cast of thousands

Produced and Directed by
WILLIAM A. WELLMAN
Creator of "Wings"

In Technicolor

Screen Play by Robert Carson

A PARAMOUNT PICTURE

Trade Bodies Ready to Meet On Regulation

(*Continued from page* 1)

it will present to the distributors' committee for negotiation. The program is based on the M.P.T.O.A. 10-point trade practice plan developed two years ago. The committee's work, yesterday and today, is to put this program into contract phraseology which will be both specific and binding if and when the program is put into effect.

After a seven-hour session of Allied's national board at the Warwick yesterday, Nathan Yamins, president, announced that a five-man committee had been appointed. With Col. H. A. Cole of Dallas as chairman, the committee consists of W. A. Steffes of Minneapolis, Ray Branch of Michigan, Sidney Samuelson of New Jersey, and Yamins. Abram F. Myers, board chairman and general counsel, will sit in with the group as counsel. Herman Blum of Baltimore and M. A. Rosenberg of Pittsburgh were named alternates.

Allied Board Members Listed

The complete list of those attending the board meeting follows: Abram F. Myers, chairman of the board and general counsel; Nathan Yamins, president; Herman Blum, national treasurer; Arthur K. Howard, recording secretary; Irving Dollinger, Sidney Samuelson, Jacob Unger, Lee Newbury, representing New Jersey; Max A. Cohen, Harry G. Kosch, counsel, and E. Thornton Kelly, representing New York; Jack Kirsch, president, Illinois unit; W. A. Steffes and Ben Ashe, Allied of Northwest; E. Harold Stoneman, Max L. Levenson, Independent Exhibitors of Massachusetts; Maurice Schulman, Connecticut.

Also, Col. H. A. Cole, Texas; Ray Branch, Michigan; Fred Herrington, Pittsburgh; E. F. Maertz, I. T. P. A. of Wisconsin and Upper Michigan; Samuel Soltz, W. H. Whittle, Arthur B. Price, all representing M. P. T. O. of Maryland; P. J. Wood and Martin Smith, I. T. O. of Ohio; Ernest Schwartz, president, Cleveland Motion Picture Exhibitors Association; V. U. Young and I. R. Holycross, A. T. O. of Indiana.

To Report at Atlantic City

A report on the negotiations is scheduled to be given to the directors at a meeting Thursday morning in Atlantic City, in conjunction with the annual convention of Allied of New Jersey.

Yamins and Myers will address the convention Thursday. New York and New Jersey delegations will leave for the convention today.

The M.P.T.O.A. committee will resume its own meeting at 11:00 today. It is acting for the West Virginia Managers Association, an unaffiliated regional organization, as well as for M.P.T.O.A.

The committee is prepared to ask for action on an unconditional minimum rejection privilege on all group film buys; removal of score charges; relief from arbitrary designation of an excessive number of preferred play dates; relief from short subject "forcing;" simplification of the exhibition license agreement; establishment of local conciliation boards; eventual correction of unfair clearance between theatres; relief from overbuying to deprive competitive theatres of product; relief from unfair cut-rate competition between theatres; relief from non-theatrical competition, including radio, and relief from designation of unsuitable pictures for Saturday and Sunday exhibition.

Rodgers has called a conference with trade paper reporters for 11 o'clock today to discuss developments thus far on the distributors' side.

"Knights of Song"

By J. M. JERAULD

Glendon Allvine's socalled "excursion into the lives of Gilbert and Sullivan" seems destined to become a joyride into a box-office hit at the 51st Street Theatre, where it opened last night. It also has the necessary ingredients for a musical film, if the world copyright problem can be surmounted.

It has sparkling lines, and the music is a source of surprise. For Gilbert and Sullivan enthusiasts the play furnishes an opportunity for them to rediscover their old favorites; for those who know Gilbert and Sullivan only by name, some of the numbers seem startlingly modern. They were received with plenty of enthusiasm last night.

The cast has some well known film as well stage names, Nigel Bruce, John Moore, Natalie Hall, Reginald Bach, Robert Chisholm and others. Laurence Schwab and Oscar Hammerstein are the producers.

Retrial Is Asked on Georgia "Gang" Suit

ATLANTA, Oct. 17.—Judge Vivian L. Stanley, chairman of the Georgia Prison and Parole Commission, is asking a retrial of the $100,000 libel suit against Warners which he lost by a jury verdict in Fulton Superior Court here last week.

The suit arose from Warners' production of "I Am a Fugitive From a Chain Gang," in which Judge Stanley claimed he was ridiculed. The defense contends that since Judge Stanley later was reelected at an increase in salary he could not prove injury. A second action against the film company and the Lucas & Jenkins circuit may be dropped.

Chicago Laboratory To Sign with Guild

Chicago Film Laboratory, Inc., commercial film producer, has agreed to enter into a contract with the Screen Actors Guild, Florence Marston, eastern head of the guild, reported yesterday after weekend conferences in Chicago. The pact will be forwarded to Chicago immediately for signing, leaving only one other producer of consequence there, Atlas Films, not yet signed up with the guild.

Mrs. Marston was the guild's delegate to the A. F. of L. convention at Houston last week.

Kaliski Leaves G. B.

PITTSBURG, Oct. 17.—Joseph Kaliski, head of the G. B. exchange here for only three months, has resigned to handle distribution of "Birth of a Baby" in Virginia. No successor has been named yet.

Ostrer Case Up Thursday

LONDON, Oct. 17.—Action of Lawrence Howard, story agent, against the Ostrer Brothers, heads of Gaumont British, involving a commission claim, is scheduled to come up on Thursday.

More Pledges in for Greatest Year Drive

Pledges from independent exhibitors for the Motion Pictures' Greatest Year campaign are still being received, headquarters of the drive reported yesterday. During the past week, 67 pledges from theatres seating 150 to 1,500 were sent in, bringing the total of theatres enrolled in the drive to more than 7,000.

Harold B. Franklin, campaign business manager, credits the continuing entries to the increase in the number of releases of contest pictures available to subsequent runs.

Campaign headquarters reported yesterday that the title of the all-industry short subject being produced for the campaign has been changed from "The World Is Yours" to "The World Is Ours."

The second trailer for the exploitation of the drive will be distributed this week, National Screen Service said yesterday. Lew Lehr of Movietone News is the narrator.

Reject Para. News Terms

Members of the Newspaper Guild unit at Paramount News rejected a counter proposal offered by the management at a meeting held yesterday and requested a resumption of negotiations "within 48 hours." Negotiations were begun Aug. 11. George A. Barry and Albert J. Richard are acting for Paramount and Ed Schneider, Jack Ryan and Moe Ushevitz are acting for the union.

To Start Ascap Appeals

Herman Finkelstein of Schwartz & Frohlich, Ascap counsel, left for Washington yesterday to make preparations for the organization's pending U. S. Supreme Court appeals on anti-Ascap legislation in Florida and Washington. He is expected back in New York within the next few days.

Rose Reilly Passes

Rose Reilly, eastern correspondent for *Popular Photography*, and wife of William J. Reilly, advertising manager of *Cine Mundial*, died yesterday at the Beth David Hospital of pneumonia. Services will be held today at the Universal Funeral Chapel, 52nd St. and Lexington Ave., at 2 P. M.

Hold Rites for Levy

KANSAS CITY, Oct. 17.—Funeral services were held here today for Joe Levy, veteran film salesman and head of Special Attractions, who died Friday.

Horror Dual Revival Sets Frisco Mark

SAN FRANCISCO, Oct. 17.—"Dracula" and "Frankenstein" hit a new record at the Orpheum with $15,500. This was in the face of a general pickup in first runs and strong competitive attractions.

"Boys Town" took $19,500 in a second week at the Fox and was moved to the St. Francis for a third week. "Drums" held up to $8,200 in its third week at the United Artists.

Estimated takings for the week ending Oct. 11-14:

"Room Service" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days, 2nd week. Stage: vaudeville. Gross: $12,500. (Average, $16,000)
"Drums" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-55c-65c) 7 days, 3rd week. Gross: $8,200. (Average, $7,000)
"Dracula" (Univ.)
"Frankenstein" (Univ.)
ORPHEUM—(2,440) (15c-35c-40c-55c) 7 days. Gross: $15,500. (Average, $8,500)
"Straight, Place and Show" (20th-Fox)
PARAMOUNT—(2,740) (15c-35c-40c-55c-75c) 7 days, 2nd week. Gross: $10,500. (Average, $13,000)
"Boys Town" (M-G-M)
"Vacation from Love" (M-G-M)
FOX—(5,000) (15c-35c-40c-55c-75c) 7 days, 2nd week. Gross: $19,500. (Average, $17,000)
"Too Hot to Handle" (M-G-M)
ST. FRANCIS—(1,400) (15c-35c-40c-55c-75c) 7 days, 3rd week (moved over from Warfield). Gross: $5,800. (Average, $7,000)
"Garden of the Moon" (W. B.)
"Campus Confessions" (Para.)
WARFIELD—(2,680) (15c-35c-40c-55c-75c) 7 days. Gross: $13,500. (Average, 13,000)
"Life & Loves of Beethoven" (World)
CLAY—(400) (15c-35c-40c) 7 days, 3rd week. Gross: $750. (Average, 1,300)

Ad Film Firms Pool Campaigns on Output

Theatres served by eight companies producing and distributing advertising films have been pooled in the formation of the Association of Advertising Film Companies.

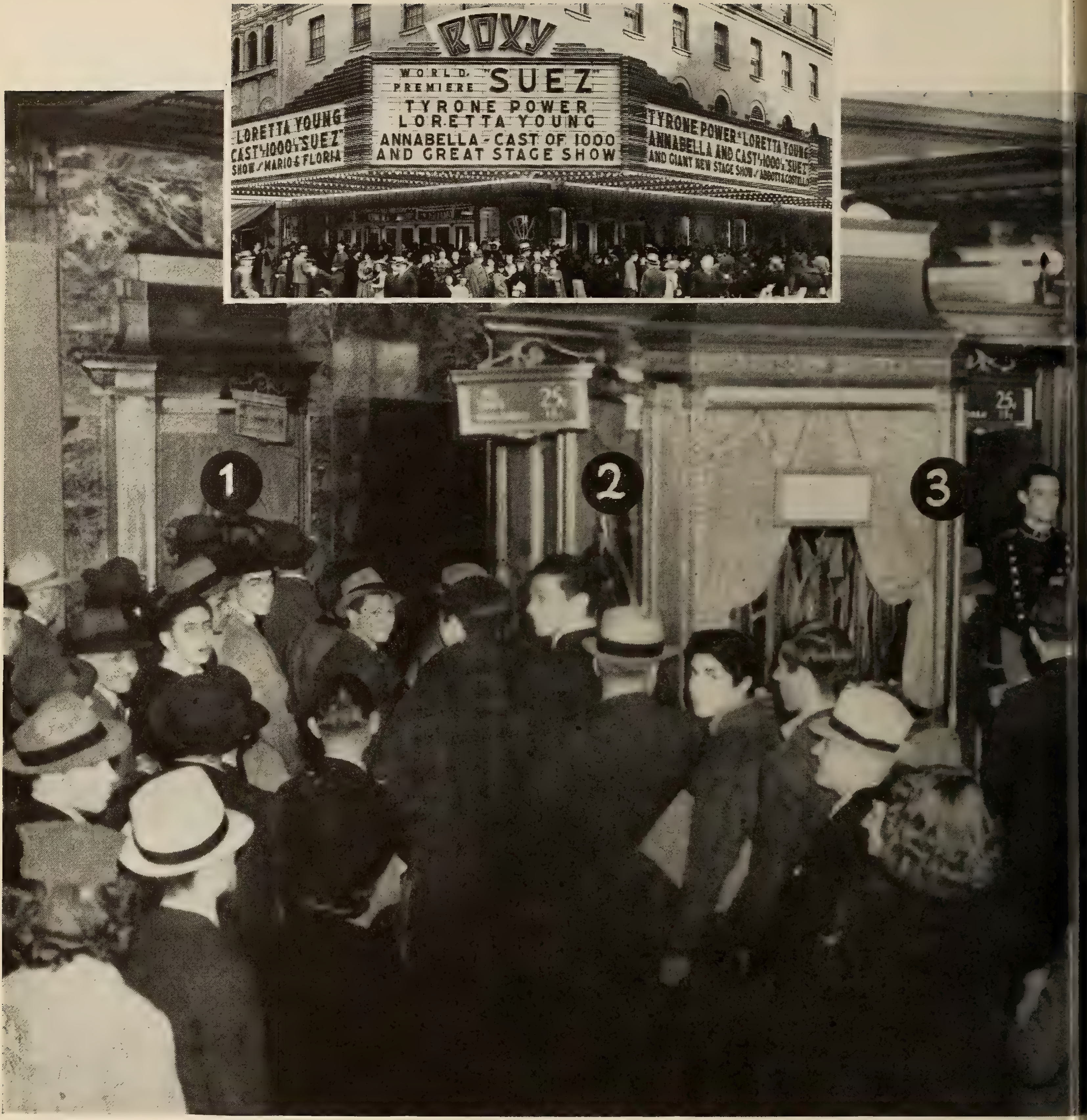
The arrangement makes theatres available for manufacturer-sponsored cooperative ad film campaigns, regardless of which of the associated companies first arranges the campaign, and assures the maximum possible display for such campaigns, according to association officials.

I. A. Anderson of Tad Screen Advertising, Dallas, is temporary secretary of the association's council. The other companies included are Alexander Film Co., United Film Ad Service, Motion Picture Advertising Service, Inc., of Cleveland and New Orleans, Ray-Bell Films, Al M. Smith Film Service and A. V. Cauger Service, Inc.

The Alexander Film Co. says it has nearly 8,000 theatres under agreement in the United States and more than 2,000 in foreign countries. The company has renewed its agreement with the Cocalis circuit of 25 houses in New York and New Jersey.

Mule Team Arrives Here

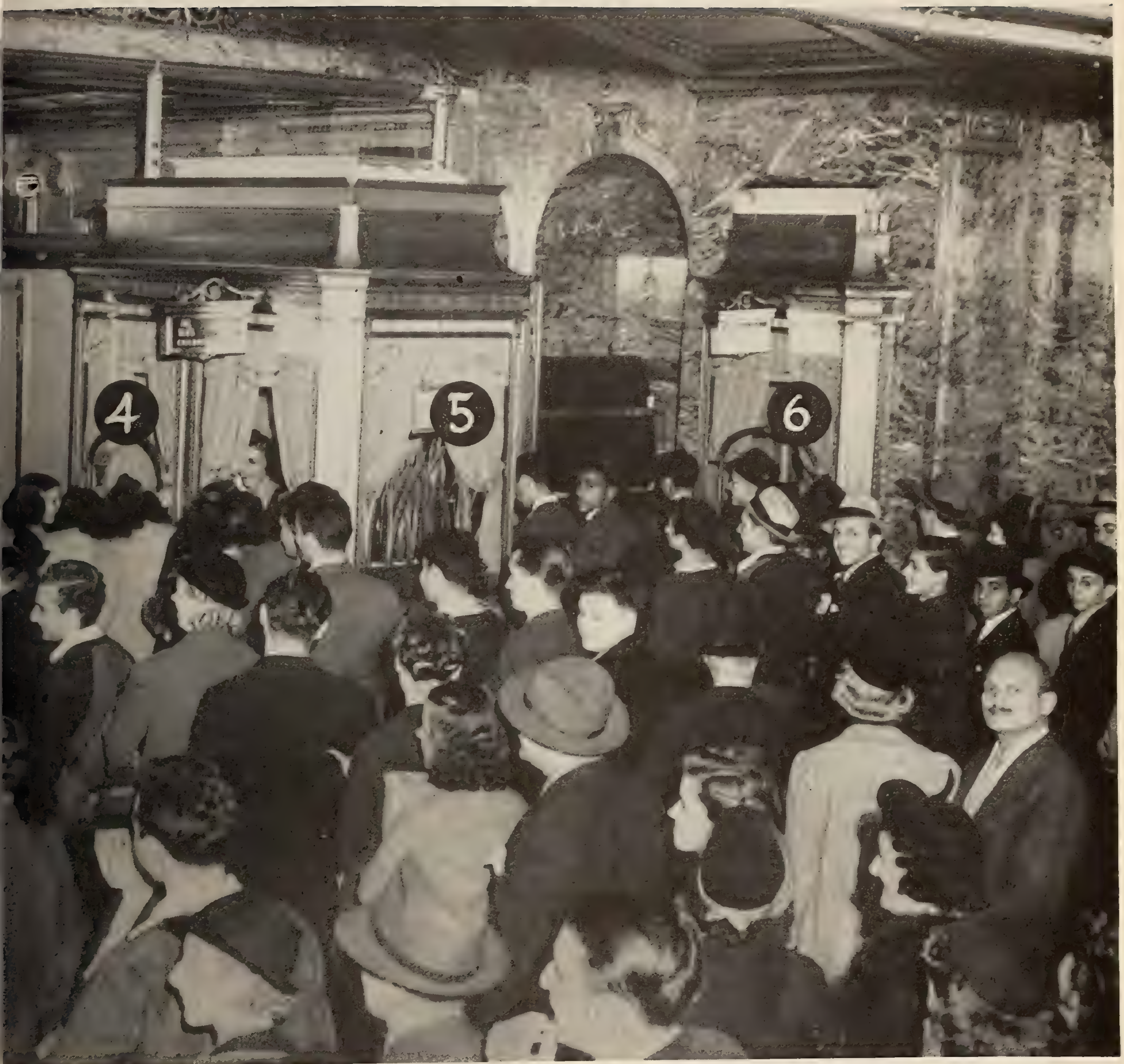
"The Arkansas Traveler" mule team driven by Bill Lankford and managed by Charles Moosian arrived yesterday after an eight-week jaunt from Little Rock via Washington. They will head for Boston tomorrow.


ROXY
WORLD PREMIERE "SUEZ"
TYRONE POWER
LORETTA YOUNG
ANNABELLA - CAST OF 1000
AND GREAT STAGE SHOW
LORETTA YOUNG
CAST OF 1000 IN "SUEZ"
SHOW / MARIO & FLORIA
TYRONE POWER LORETTA YOUNG
ANNABELLA AND CAST OF 1000 IN "SUEZ"
AND GIANT NEW STAGE SHOW / ABBOTT & COSTELLO
1
2
3

"SUEZ" COMES TO BROADWAY

Experienced in handling tremendous crowds, New York's 5886-seat Roxy Theatre keeps on call extra ushers, cashiers, doormen for emergencies. But even the Roxy's elaborate plans were inadequate when the 20th Century-Fox hit "SUEZ" had its world premiere run there. Usually, four boxoffices are sufficient for the biggest attractions. But with "SUEZ," even the Roxy's full battery of six boxoffices (largest in the world) was not enough. Of interest to all showmen, these scenes show how the Roxy's augmented staff operates when a smash brings thousands storming the doors.

"Busy? S-a-y I haven't even had a chance to powder my nose!" —Cashier No. 1, Georgia Childs.



"Another day like this and I'll be positively *exhausted!*"—Cashier No. 2, Olive Kniffen.

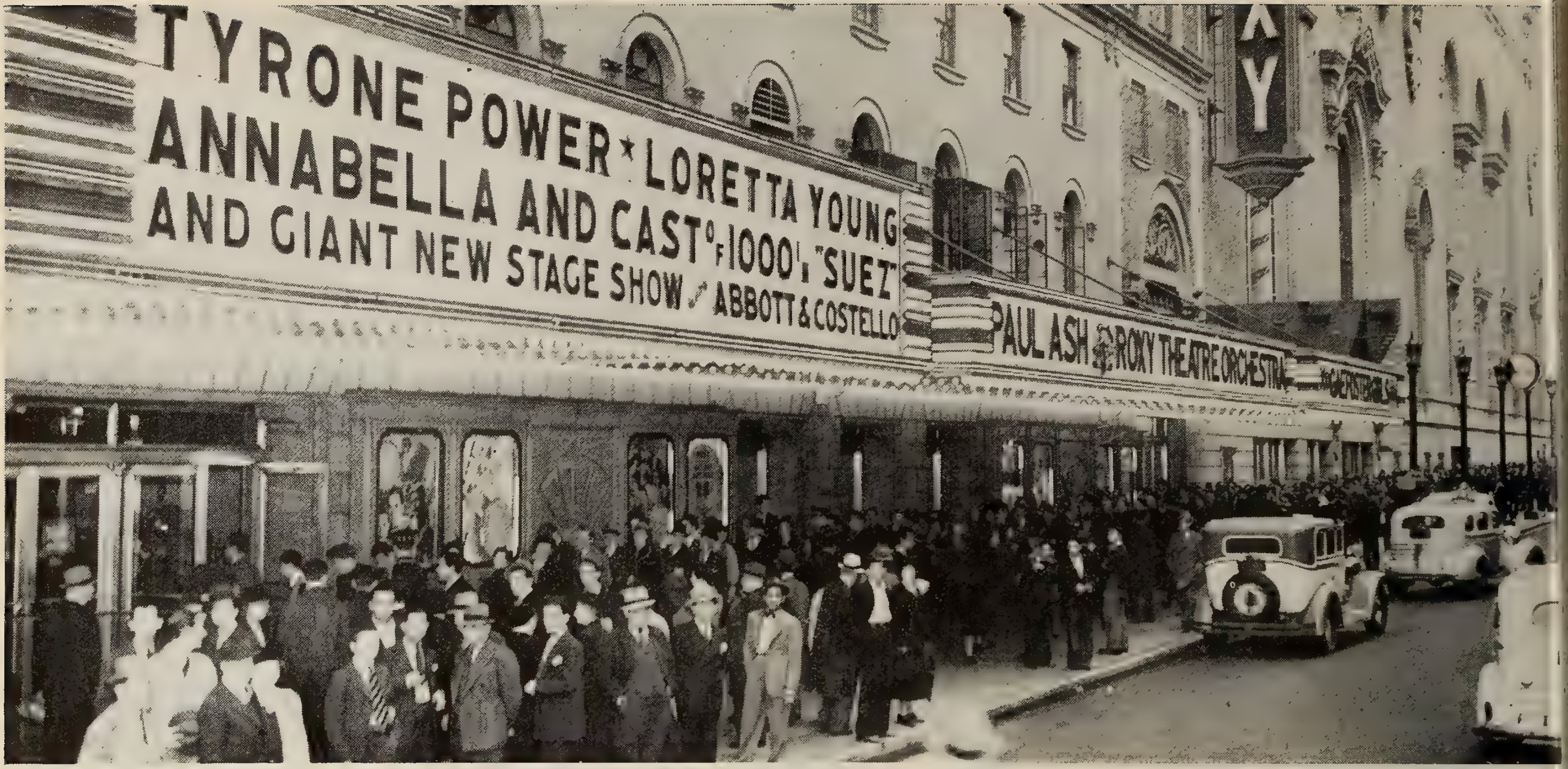
"Did you ever see so may people in all your born life?"—Cashier No. 3, Marguerite Hutcheon.

"I must have sold *millions* of tickets today."—Cashier No. 4, Lily Webster.

"Now I know what it will be like when the World's Fair opens!"—Cashier No. 5, Elmina Rainwater

"Just look at them! Simply *swarming* in!"—Cashier No. 6, Erma Hatt.

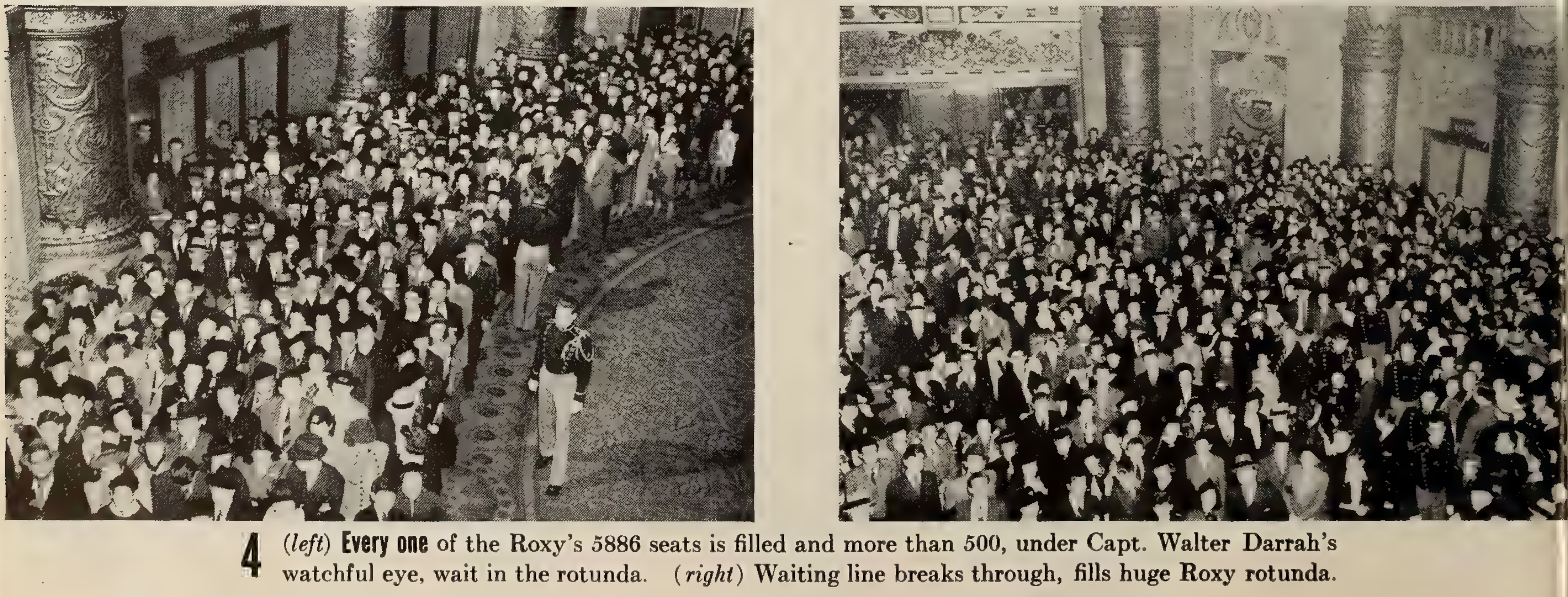
CONTINUED ON NEXT PAGE


TYRONE POWER ★ LORETTA YOUNG
ANNABELLA AND CAST OF 1000'S IN "SUEZ"
AND GIANT NEW STAGE SHOW / ABBOTT & COSTELLO
PAUL ASH & ROXY THEATRE ORCHESTRA
XY

1 **The waiting line** a half-hour before the New York Roxy doors opened. 3,089 people stretched along 50th Street a quarter of a mile.

2 **Crowds strain** against the tape. Doormen W. G. Smith, Fred Fanning, Ralph Miller need all their strength.

3 **Thousands** pour through boxoffices and descend upon ticket-takers Jack Brodsky, William Moclair, George Mills, Albert Rubenstein.



4 *(left)* **Every one** of the Roxy's 5886 seats is filled and more than 500, under Capt. Walter Darrah's watchful eye, wait in the rotunda. *(right)* Waiting line breaks through, fills huge Roxy rotunda.

5 **Hundreds** stand in back of orchestra hopefully waiting for a seat. They are lucky. This, their fifth wait, is their last

6 **Treasurer** Frank E. Muldoon, guarded by Policeman James Cummings, with drawn gun, takes cash from boxoffices to theatre vault.

7 **Protected** by bars in the vault, Treasurer Muldoon and assistants, William Moran and Walter Corwey, count up.

8 **Armored car** from U. S. Trucking Corp. picks up cash for deposit in the Chase National Bank.

"Take It" in Seattle Again Leads Parade

Seattle, Oct. 17.—"You Can't Take It With You" topped the town in its second week at the Liberty, with $10,300, more than double average. "Too Hot to Handle" was strong at the Fifth Avenue, and "Boys Town" continued to do well in the second week at the Blue Mouse. The weather was rainy and cooler.

Estimated takings for the week ending Oct. 14:

"Boys Town" (M-G-M)
BLUE MOUSE—(950) (30c-40c-55c) 7 days. 2nd week, extended run from Fifth Avenue. Gross: $4,800. (Average, $4,000)
"Too Hot to Handle" (M-G-M)
FIFTH AVENUE—(2,500) (30c-40c-55c) 7 days. Gross: $8,250. (Average, $7,000)
"You Can't Take It With You" (Col.)
LIBERTY—(1,800) (20c-30c-40c-55c) 7 days. 2nd week. Gross: $10,300. (Average, $5,000)
"Marie Antoinette" (M-G-M)
MUSIC BOX—(950) (30c-40c-55c) 7 days. 4th week, extended run from Fifth Avenue. Gross: $3,100. (Average, $4,000)
"Garden of the Moon" (F.N.)
"Blockheads" (M-G-M)
ORPHEUM — (2,450) (30c-40c) 7 days. Gross: $5,200. (Average, $6,000)
"Affairs of Annabelle" (RKO)
"Mr. Moto Takes a Chance" (20th-Fox)
PALOMAR—(1,500) (15c-25c-35c) 7 days. Vaudeville headed by Johnny Hyman. Gross: $4,300. (Average, $4,500)
"Straight, Place and Show" (20th-Fox)
"Crime Ring" (RKO)
PARAMOUNT—(3,050) (30c-40c) 7 days. Gross: $6,150. (Average, $6,000)

"Certain Age" Top Draw at Oklahoma

Oklahoma City, Oct. 17.—"That Certain Age" was a bright spot in a quiet week among first runs here. It pulled $5,400 at the Criterion.

"Four Daughters" went into the profit column on a take of $4,600 at the Midwest and a combination of "Give Me a Sailor" and "Painted Desert" gave the Liberty $1,800 in four days. "Personal Secretary" and "Safety in Number," for the last three days at this house, took a weak $600.

Estimated takings for the week ending Oct. 12-13:

"That Certain Age" (Univ.)
CRITERION—(1,500) (25c-35c-40c) 7 days. Gross: $5,400. (Average, $5,200)
"Give Me A Sailor" (Para.)
"Painted Desert" (RKO)
LIBERTY—(1,200) (20c-25c) 4 days. Gross: $1,800. (Average, $1,800)
"Personal Secretary" (Univ.)
"Safety In Numbers" (20th-Fox)
LIBERTY—(1,200) (20c-25c) 3 days. Gross: $600. (Average, $700)
"Four Daughters" (W.B.)
MIDWEST—1,500) (25c-35c-40c) 7 days. Gross: $4,600. (Average, $4,500)
"Crime Takes A Holiday" (Col.)
"Flight To Fame" (Col.)
STATE—(1,100) (20c-25c) 7 days. Gross: $2,000. (Average, $2,500)
"Mother Carey's Chickens" (RKO)
TOWER—(1,000) (25c-35c) 4 days. Gross: $1,000. (Average, $2,500)
"Cowboy from Brooklyn" (W.B.)
TOWER—(1,000) (25c-35c) 3 days. Gross: $500.

Gibbs G. N. Manager

New Haven, Oct. 17.—Harry Gibbs is the new Connecticut exchange manager for Grand National, with I. H. Levine as salesman. Gibbs is well known here. For the past six years he has operated an independent exchange. The Connecticut Atlantic Pictures franchise will be handled by John Ricciuti.

Hollywood Preview

"Annabel Takes a Tour"

(RKO)

Hollywood, Oct. 17.—"Annabel Takes a Tour" maintains the bizarre amusement character established by "The Affairs of Annabel." It features the same leading players, Jack Oakie, Lucille Ball, Bradley Page and Ruth Donnelly. Capable performances by Ralph Forbes, Frances Mercer, Alice White, Jean Rouveral, Pepito, Chester Clute, Donald MacBride and Edward Gargan also add much to the show's entertainment merit.

To bolster her sagging prestige and incidentally choke off the rapidly rising Frances Mercer, film actress, Miss Ball embarks upon a personal appearance tour after insisting that Oakie be reinstated as her publicity director. Her experiences under Oakie's guidance are generally embarassing to her, but provide continuing laughter for audiences. As the papers are full of news about Miss Mercer and her romance with a foreign nobleman, she demands that Oakie also find her a titled foreigner. Then what has started out as a dual publicity gag for her and writer Ralph Forbes, assumes a threatening aspect when Miss Ball takes her romance seriously. Plenty of publicity accrues to the stunt, but when Forbes' wife, Alice White, shows up with their family, the star is anxious to get out of the whole mess and return to Hollywood.

The picture moves speedily. The dialogue and situations provided for the principals generate planty of laughter and carry the assurance that comedy fans should find plenty to amuse them in the picture.

Bert Granet and Olive Cooper wrote the original screenplay which Lew Landers directed.

Running time, 60 minutes. "G." G. McC.

New York Preview

"Broadway Musketeers"

(Warners)

The "Three Musketeers" theme is here translated to New York, the musketeers are three girls and their adventures involve an unsuccessful marriage, murder, the abduction of a child and woman to cover the murder, and a plot solution via suicide and a gang-police battle. It is a trifle too melodramatic for the family trade.

Margaret Lindsay, Ann Sheridan and Marie Wilson are the three girls, with Dick Purcell, Richard Bond and John Litel in chief support and Janet Chapman as the child of the unhappy marriage. John Farrow, director, obtained the maximum of melodrama from the material at hand, an original screenplay by Don Ryan and Kenneth Gamet.

Miss Lindsay's marriage to a wealthy broker, Litel, fails when she becomes too interested in Bond, who turns out to be a gambler. Her two friends try to help, but are unable to patch things up. Miss Sheridan marries Litel after the divorce, and Miss Lindsay, not permitted to see the child, is led a sorry life with her gambler husband. When he is killed for welching on a bet, Miss Lindsay and the child, who is with her, are taken as hostages by the murderers. The suicide of Miss Lindsay and a running fight with police lead to the rescue of the child.

Running time, 63 minutes. "A." Charles S. Aaronson

Nine New Pictures Approved by Legion

The National Legion of Decency has approved all nine new pictures classified for the current week, five for general patronage and four for adults. None were classified as objectionable. The new films and their classification follow.

Class A-1, Unobjectionable for General Patronage—"Arkansas Traveler," "Down in Arkansaw," "Liebe in ¾ Takt" (German), "Prairie Moon," "There Goes My Heart." Class A-2, Unobjectionable for Adults—"Come le Folie" (French), "King of Alcatraz," "Personal Secretary," "Young Doctor Kildare."

Loew-Ellis Action May Be Tried Soon

Emil K. Ellis, chief counsel for the nine plaintiffs in the consolidated stockholders' suit against Loew executives, is preparing to bring his case to trial late in November or early December. These proceedings will precede the action filed in Wilmington by two stockholders.

Depositions have been taken from 18 Loew executives and directors to date, with others to be examined. Ellis questioned Judge John R. Hazel of Buffalo, William A. Parker and Charles C. Moskowitz, all directors, Friday. Moskowitz will complete his testimony today.

"Boys" Is High In Cincinnati With $8,300

Cincinnati, Oct. 17.—"Boys Town" was good for a smash $8,300 on a move-over stanza at the RKO Ca[illegible]tol. It held over. A personal appearance and talk by Father Flanagan, founder of Boys Town, at the RKO Albee during the initial week of the run helped the picture tremendously. "Too Hot to Handle" went $350 over par on a $3,100 take on its third downtown week at the 1,200-seat RKO Grand.

Estimated takings for the week ending Oct. 13:

"Youth Takes a Fling" (Univ.)
RKO ALBEE—(3,300) (35c-42c) 7 days. Gross: $9,000. (Average, $12,000)
"Room Service" (RKO)
RKO PALACE—(2,700) (35c-42c) 7 days. Gross: $9,000. (Average, $10,000)
"You Can't Take It With You" (Col.)
RKO SHUBERT—(2,150) (35c-40c-55c) 7 days, 2nd week. Gross: $12,000. (Average, $12,000)
"Boys Town" (M-G-M)
RKO CAPITOL—(2,000) (35c-42c) 7 days, 2nd downtown week. Gross: $8,300. (Average, $6,500)
"Booloo" (Para.)
"Always in Trouble" (20th-Fox)
RKO LYRIC—(1,400) (35c-42c) 7 days. Gross: $2,700. (Average, $6,500)
"Too Hot to Handle" (M-G-M)
RKO GRAND—(1,200) (25c-40c) 7 days, 3rd downtown week. Gross: $3,100. (Average, $2,750)
"10th Avenue Kid" (Republic) (4 days)
"Romance of the Limberlost" (Monogram) (3 days)
RKO FAMILY—(1,000) (15c-25c). Gross: $2,300. (Average, $2,450)
"I Am the Law" (Col.)
KEITH'S—(1,500) (30c-40c) 7 days. Gross: $6,600. (Average, $6,500)

Schine Adds Three Delaware Theatres

The Schine Circuit, which recently took over the Plaza in Milford, Del., has added three more, the Federal at Federalsburg, Avalon at Easton and Arcade at Salisbury, all in southern Delaware. Roger W. Christopher, W. Lee Insley and Edward C. Evans, managing the Federal, Arcade and Plaza, respectively, will get posts with the Schine Circuit.

George Norman has opened the Vista, $45,000 house in Storm Lake, Ia. Joe Gerbrach has opened the new Varsity in Ames, Ia. Forrest Leggate have bought the Royal in Dayton, Ia., and will remodel the house.

Oklahoma City supply houses report considerable activity in remodeling and the purchase of new equipment in the territory. Speedy Moulder is remodeling the Criterion at Sapulpa, Okla. Griffith Amusement Co. will open the Cherokee in Enid soon. Stricker and Jones are remodeling the Harmony in Sand Springs, Okla. W. P. Kerr has remodeled the Rainbow at Sulphur, Okla.

Lucas & Jenkins plan a $225,000 house in Augusta, Ga. Tom Miller has opened the Emory in Atlanta. E. J. Sparks circuit plans a 1,200-seat house in Ft. Lauderdale, Fla., to cost $225,000. T. C. Hester is building a new house at Wake Forest, N. C., J. A. Reynolds is soon to open his fourth at Shelby, N. C., and A. Fuller Sams, Jr., is building his third at Statesville, N. C. Palmetto Theatre Co. plans a theatre at Columbia, S. C.

KING OF FILMS

EASTMAN Super X Panchromatic Negative reigns supreme.... Not by virtue of fine grain alone.... Not by virtue of speed alone. ... But by a combination of those qualities with that prime requisite of the fine motion picture, superb and dependable photographic quality. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, Fort Lee, Chicago, Hollywood.)

EASTMAN *SUPER X*

PANCHROMATIC NEGATIVE

MOTION PICTURE DAILY'S HANDY BOOKING CHART

[Dates Are Based Upon National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After the Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS	G. B.
Sept. 16	**Juvenile Court (G) (D)** *Paul Kelly* *Frankie Darro*	**Too Hot to Handle (G) (D)** *Clark Gable* *Myrna Loy*	**Mexicali Kid (G) (O)** *Jack Randall*	**Campus Confessions (G) (C)** *Betty Grable* (3802)	**Overland Stage Raiders (G) (O)** *3 Mesquiteers*	**The Renegade Ranger (O)** *O'Brien* (884)	**Hold That Co-Ed (G) (C)** *John Barrymore* *George Murphy* (907)		**Black Bandit** *Bob Baker* (305)	**Valley of the Giants (G) (D)** *Wayne Morris* *Claire Trevor*	**The Thirty-Nine Steps (Reissue) (G)** **(Sept. 15)**
Sept. 23	**The Stranger from Arizona (O)** *Buck Jones* *Dorothy Fay*		**Wanted by Police (G) (D)** *Frankie Darro* *Evalyn Knapp*	**Sons of the Legion (G) (D)** *Donald O'Connor* (3803)	**Prairie Moon (G) (O)** *Gene Autry*	**Fugitives for a Night (G) (D)** *Frank Albertson* *Adrienne Ames* (903)	**Time Out for Murder (G) (D)** *Gloria Stuart* *Michael Whalen* (908)		**Road to Reno (G) (C)** *Hope Hampton* *Randolph Scott*	**Four Daughters (G) (D)** *Lane Sisters* *John Garfield* (359)	**Man with 100 Faces** *Tom Walls* **(Oct. 1)**
Sept. 30	**You Can't Take It With You (G) (C)** *Jean Arthur* **Girls' School**	**Vacation from Love (G) (C)** *Florence Rice* (905)	**Mr. Wong, Detective (G) (D)** *Karloff*	**King of Alcatraz (A) (D)** *J. Carroll Naish* (3804)	**Down in "Arkansaw" (G) (D)** *Weaver Bros.* *Pinky Tomlin*	**Room Service (A) (C)** *Marx Brothers* (901)	**Straight, Place and Show (G) (C)** *Ritz Bros.* (911)	**Drums (G) (D)** *Raymond Massey* *Sabu*	**Youth Takes a Fling (G) (C)** *Joel McCrea* *Andrea Leeds*	**Garden of the Moon (G) (M)** *Pat O'Brien* *Lindsay*	**The Lady Vanishes (G) (C)** *Margaret Lockwood* *Paul Lukas* **(Nov. 1)**
Oct. 7	**Crime Takes a Holiday (G) (D)** **West of the Sante Fe (O)**	**Stablemates (G) (D)** *Wallace Beery* *Mickey Rooney* (906)	**Sweetheart of Sigma Chi (reissue)** *Mary Carlisle*	**Touchdown, Army (G) (C)** *Mary Carlisle* (3805)	**The Night Hawk (G) (D)** *Robt. Livingston* *June Travis* *Robt. Armstrong*	**Mr. Doodle Kicks Off (G) (C)** *Joe Penner* (904)	**Meet the Girls** *June Lang* *Lynn Bari* (910)		**That Certain Age (G) (C)** *Durbin* *Jackie Cooper*	**Broadway Musketeers (G)** *Lindsay* *Marie Wilson*	**The Frog** *Noah Beery* *Gordon Harker* **(Nov. 15)**
Oct. 14	**Flight to Fame** **Below the Rio (O)** *Buck Jones*	**Listen, Darling** *Bartholomew* *Judy Garland* (904)	**Where the Buffalo Roam (O)** *Tex Ritter*	**Arkansas Traveler (G) (C)** *Bob Burns* *Mary Carlisle* (3806)		**A Man to Remember (G) (D)** *Anne Shirley* (905)	**Five of a Kind (G) (C)** *Dionne Quintuplets*	**There Goes My Heart (G) (C)** *Fredric March* *Virginia Bruce*	**Swing That Cheer** *Tom Brown* *Andy Devine*	**The Sisters (G) (D)** *Bette Davis* *Errol Flynn* *Anita Louise*	
Oct. 21	**Homicide Bureau** *Bruce Cabot* *Rita Hayworth*	**Young Dr. Kildare (G) (D)** *Lew Ayres* *Lionel Barrymore*		**Mysterious Rider (G) (O)** (3807)	**Rhythm of the Saddle (O)** *Gene Autry*	**The Mad Miss Manton (G) (C)** *Stanwyck* *Fonda* (906)	**Mysterious Mr. Moto (G) (D)** *Peter Lorre* (912)	**The Young in Heart** *Gaynor* *Fairbanks, Jr.* *Goddard*	**Service De Luxe** *Constance Bennett* *Vincent Price*	**Girls on Probation (D)** *Ronald Reagan* *Jane Bryan*	**G. N.** **Utah Trail (O)** *Tex Ritter* **(229)** **(Aug. 12)**
Oct. 28		**The Great Waltz** *Luise Rainer* *Fernand Gravet* *Miliza Karjus*		**Escape from Leavenworth** *Tamiroff* *Farmer* *Erikson*	**I Stand Accused** *Robt. Cummings* *Helen Mack*	**Tarnished Angel** *Eilers* *Ann Miller*	**Suez** *Tyrone Power* *Loretta Young* *Annabella*	**Cowboy and the Lady** *Cooper* *Oberon*	**The Storm** *Bickford* *MacLane* *Foster* *Nan Grey*	**Brother Rat (G) (C)** *Wayne Morris* *Priscilla Lane*	**Dangerous Secrets** *Paul Lukas* **(Sept. 30)**
Nov. 4	**In Early Arizona** *Bill Elliott* *Dorothy Gulliver*	**The Citadel** *Robert Donat* *Rosalind Russell*	**Gangster's Boy** *Jackie Cooper*	**Men With Wings** *MacMurray* **Illegal Traffic** *Naish*	**Storm Over Bengal** *Patric Knowles* *Rochelle Hudson*	**Lawless Valley (O)** *George O'Brien*	**Always in Trouble (G) (C)** *Jane Withers* *Jean Rogers* *Arthur Treacher*	**Trade Winds** *March* *Joan Bennett*	**Exposed** *Glenda Farrell* *Otto Kruger* **Prairie Justice (O)**	**Hard to Get** *Dick Powell* *de Havilland*	**Shadows Over Shanghai** *James Dunn* *Ralph Morgan* **(Oct. 14)**
Nov. 11	**Adventure in Sahara** *Paul Kelly* *Lorna Gray*	**Sweethearts** *MacDonald* *Eddy*	**Gun Packer (O)** *Jack Randall*	**If I Were King** *Colman* *Rathbone*	**Texas Ranger (O)** *Roy Rogers*	**Annabel Takes a Tour** *Oakie* *Lucille Ball*	**Just Around the Corner** *Shirley Temple* *Charles Farrell*		**Strange Faces** *Dorothea Kent* *Frank Jenks* *Andy Devine*	**Torchy Gets Her Man** *Glenda Farrell* *MacLane* **(G) (D)**	**Frontier Scout (O)** *George Houston* **(Oct. 21)**
Nov. 18	**There's That Woman Again** *Melvyn Douglas* *Virginia Bruce*	**Spring Dance** *Lew Ayres* *Burgess Meredith* *O'Sullivan*	**Gang Bullets** *Anne Nagel*	**Thanks for the Memory** *Bob Hope* *Shirley Ross* *Butterworth*	**Santa Fe Stampede (O)** *3 Mesquiteers*	**Law West of Tombstone** *Harry Carey* *Jean Rouverol*	**Sharpshooters** *Brian Donlevy* *Lynn Bari*		**Little Tough Guys in Society** *Boland* *Auer* *Horton*	**Angels with Dirty Faces** *Cagney* *O'Brien* *"Crime School" Kids*	

MOTION PICTURE
DAILY

"Can't Take," "Town" Smash Chicago Hits

CHICAGO, Oct. 17.—"You Can't Take It With You" at the Chicago [illegible] "Boys Town" at the United Artists both took exceptionally fine grosses. The Chicago hit $46,000 and the United Artists took $28,800, terrific business for this theatre.

The Apollo, with "Straight, Place and Show," was over the top with $8,700. "King of Alcatraz" at the Garrick hit $7,200. Hugh Herbert and "Army Girl" gave the State-Lake $13,300, the best gross there in weeks.

The weather was fair and warm. Several conventions brought many visitors to town.

Estimated takings for the week ending Oct. 13-14:

"Straight, Place and Show" (20th-Fox)
APOLLO—(1,400) (35c-55c-65c) 7 days. Gross: $8,700. (Average, $6,500)

"You Can't Take It With You" (Col.)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Vaudeville Revue. Gross: $46,000. (Average, $32,000)

"King of Alcatraz" (Para.)
GARRICK—(900) (30c-40c-50c) 7 days. Gross: $7,200. (Average, $6,500)

"Affairs of Annabel" (RKO)
PALACE—(2,500) (35c-55c-75c) 7 days. Stage: Bert Wheeler & Stroud Twins. Gross: $17,600. (Average, $19,000)

"Army Girl" (Monogram)
STATE-LAKE—(2,776) (20c-25c-30c) 7 days. Stage: Hugh Herbert and Revue. Gross: $13,300. (Average, $13,000)

"Valley of the Giants" (W. B.)
ROOSEVELT—(1,300) (35c-55c-75c) 7 days, 2nd week. Gross: $8,500. (Average, $11,000)

"Boys Town" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days. Gross: $28,800. (Average $15,000)

Graetz to Produce Bi-Linguals Abroad

Production of bi-lingual films in Paris for world wide distribution is planned by Paul Graetz, head of Paris Export Film Co., who has arrived from abroad.

Graetz is negotiating with a major company for international distribution. He plans a program of three pictures a year in French and English, and says he has important French talent lined up.

Trade to Honor Graham

LONDON, Oct. 17.—John C. Graham, who resigned recently as managing director for Paramount in England, will be guest of honor at a luncheon at the Trocadero on Nov. 8, to be given jointly by the Cinematograph Exhibitors' Association and Kinematograph Renters' Society (distributors).

Ampa to Meet Oct. 27

First Ampa meeting for the fall season will be held at the Astor on Oct. 27. The organization recently unanimously voted in favor of the new location. Formerly luncheons had been held at the International Casino and at Jack Dempsey's Restaurant.

Plan Warner Club Party

The Warner Club, home office organization, will hold a Hallowe'en party in the clubrooms at the home office on Oct. 28.

Hollywood Preview

"Service De Luxe"

(Universal)

HOLLYWOOD, Oct. 17.—"Service De Luxe" is de luxe in just about every department, including the box-office. It's a finely finished piece of product full of fresh material, smart dialogue and clever performances by players whose names have long meant money, with a newcomer ready right now for lights. It kept a preview audience chuckling steadily, with occasional outbursts into laughter that came from the diaphragm.

Constance Bennett gets top billing as the modern young New York owner of a personal service bureau who falls in love with an upstate inventor and pretends to be a clinging vine because he hates masterful women. Vincent Price, a towering young actor fresh from the stage to films, plays the inventor as skillfully as if he'd been born in front of a lens. Charles Ruggles is splendid as an eccentric capitalist, Mischa Auer turns in a masterpiece as a Russian nobleman turned chef, Helen Broderick improves each shining moment allotted her as Miss Bennett's business colleague and Joy Hodges puts a lot of punch in her portrayal of a dizzy debutante. The personal service bureau arranges everything satisfactorily for all parties except its owner, whose romance is on the rocks when coincidence salvages it in the closing sequence.

Director Rowland V. Lee, screen playwrights Gertrude Purcell and Leonard Spigelgass and the writers of the original story, Bruce Manning and Vera Caspary, seem to have worked together in utmost harmony with the single idea of turning out an up-to-date, clean and completely amusing picture. Associate Producer Edmund Grainger can look back on a job well done. The film is appropriate for any time, place or audience.

Running time, 85 minutes. "G." ROSCOE WILLIAMS

Lord vs. Pathe News Suit Trial Started

Trial of a $48,000 breach of contract suit against Pathe News, Inc., brought by Phillips H. Lord, started yesterday in the U. S. District Court before Judge Clarence G. Galston and a jury. The entire day was confined to the testimony of the plaintiff, who testified to a contract with Pathe News, in which the defendant allegedly agreed to supply him with cameramen, sound technicians, and motion picture equipment for a contemplated trip around the world. Lord charged Pathe News refused to carry out its contract.

A decision against the plaintiff, rendered at a previous trial on Dec. 17, 1937, had been reversed on appeal in a ruling by the Circuit Court of Appeals on June 30, which ordered a new trial.

Behrend Challenges Copyright on Stills

Behrend Picture Supply House, Inc., yesterday filed answer to a suit brought in the U. S. District Court by Vitagraph, Inc., which charged copyright infringement of 37 stills belonging to the plaintiff. The defendant, in addition to denying the allegations of the complaint, contended that the plaintiff's copyrights were void for improper publication of notices and asserted that the copyrights were not legally owned by the plaintiff.

Suit seeks an injunction, an accounting of profits and $250 damages for each alleged infringement.

Goldwyn to Do "Raffles"

HOLLYWOOD, Oct. 17.—Samuel Goldwyn will make a new version of "Raffles," with David Niven starred. Goldwyn also has signed Jo Swerling, writer, on a long term deal.

Safety Award to Time

March of Time has received the annual David S. Beyer Memorial Award of the Motion Picture Traffic Safety Committee for its release, "Man at the Wheel."

Absorb Loss from Storm

CHICAGO, Oct. 17.—Bell & Howell, equipment manufacturers, have decided to absorb the loss on all their stock in the hands of dealers which was damaged by the recent storms.

"Service" Is Big $20,500 In Pittsburgh

PITTSBURGH, Oct. 17.—"You Can't Take It With You," holding over at the Alvin, got a steady $11,850 and earned a third week.

The Stanley, with Wayne Morris and Johnny Davis on the stage and "Room Service" on the screen, took $20,500.

"Spawn of the North" was pulled at the Penn after six days with $7,100. The Warner had "Too Hot to Handle," which had previously played to good business at the Penn, and the week between its engagement at the Penn and the one at the Warner didn't hurt the picture any since. It grossed $5,150.

Estimated takings for the week ending Oct. 13:

"You Can't Take It With You" (Col.)
ALVIN—(1,850) (25c-50c) 7 days, 2nd week. Gross: $11,850. (Average, $6,500)

"Road to Reno" (Univ.)
"Meet the Girls" (20th-Fox)
FULTON—(1,700) (25c-40c) 7 days. Gross: $3,000. (Average, $4,500)

"Spawn of the North" (Para.)
PENN—(3,300) (25c-50c) 6 days. Gross: $7,100. (Average, 6 days, $11,000)

"Room Service" (RKO)
STANLEY—(3,600) (25c-60c) 7 days. Stage: Johnnie Davis, Wayne Morris, 3 Slate Brothers, Faye Carroll, Frazee Sisters, Conklin and Thomas. Gross: $20,500. (Average, $18,000)

"Too Hot to Handle" (M-G-M)
WARNER—(2,000) (25c-50c) 7 days, 2nd week. Gross: $5,150. (Average, $5,000)

Hoffberg Closes Deal

J. H. Hoffberg has closed a deal for the American premiere of "School for Husbands" at the Little Carnegie. The company also has the United States distribution rights to the film, which was produced by Richard Wainwright.

MAKE YOUR RESERVATIONS *today!*

18TH ANNUAL
M.P.T.O.A.
CONVENTION
OKLAHOMA CITY
(The city that friendliness made famous)
OCT. 30TH to NOV. 2ND

One of the most important meetings in years!

Write or wire: **J. C. Rader, Biltmore Hotel, Oklahoma City, Okla. Rates $2.50 up.**

▸ Radio Personals ◂

KATE SMITH now has a U. P. news machine in her office for her commentary and news series . . . Ted Collins, Kate's manager, just celebrated another birthday . . . Horace Heidt is bringing the Boys Town Choir to New York for his Oct. 23 broadcast . . . Myron Selznick, Ltd., has set a guest appearance for Raymond Massey on the Vallee program of Oct. 20. The deal was arranged by Herman Bernie.

Canada World Air Show Completed

MONTREAL, Oct. 17. — Canada's world broadcast in cooperation with the International Broadcasting Union will get under way at 2:30 Sunday, Oct. 23. The program will originate in Canadian cities from Nova Scotia to Vancouver.

The Lunenburg Choir will be heard first at 2:32 from Nova Scotia. Other features will include the Aleuette Quartet from Montreal; Ernest Seitz, pianist, from Toronto; yodeling cowboys from Winnipeg; spot broadcast from a lumber camp near Vancouver, and Percy Faith, with his CBC orchestra.

Offer Grid Forecasts

SAN FRANCISCO, Oct. 17.—Supplementing its series of 50 broadcasts of coast football games, over coast and regional networks, Tide Water Associated Oil Co., is distributing Dick Dunkel's "Football Forecast" to west coast fans. Thousands of the forecast sheets are given away weekly.

Steel Aircasts in Book

Johannes Steel, formerly foreign editor of the *New York Post* and now commentator for WMCA, has compiled in book form his broadcasts on the Munich Peace Pact, and the 30,000-word volume, "Truth About Munch," is now for sale.

I. R. S. Agent for WSAI

International Radio Sales, Hearst station representative group, has been appointed national representative for WSAI, smaller of the two Crosley stations. Transamerican Broadcasting and Television Corp. will continue to represent WLW.

Plan Party for Murrow

Ed Murrow, CBS European director, who arrives here today on the *Queen Mary,* will be tendered a luncheon Friday at the St. Regis Roof by William S. Paley, president of the network.

Affiliated in WHN Deal

Affiliated Co. has closed a contract with WHN for 13 weeks of spot announcements. The contract, starting immediately, was placed by Wesley Associates of New York.

BBC to Televise Film

LONDON, Oct. 17.—British Broadcasting Co. on Wednesday will televise scenes from the Carlton Theatre premiere of "St. Martin's Lane."

FCC Hearings Are Arranged for Week

WASHINGTON, Oct. 17.—The Federal Communications Commission has set the following schedule for hearings on broadcasting applications during the current week:

Oct. 19, before an examiner: Applications of WHAI, Greenfield, Mass., for extension of time from day to unlimited with 100 watts night, 250 watts day, and KWNO, Winona, Minn., for extension of time from day to unlimited with 100 watts night, 250 watts day.

Oct. 20, before the commission: Applications of WORL, Boston, for extension of time from day to unlimited and increase of power from 500 to 1,000 watts; WISN, Milwaukee, for increase of night power from 250 to 1,000 watts; WJBO, Baton Rouge, for increase of power from 500 to 1,000 watts; WTAD, Quincy, Ill., for extension of time from day to unlimited; WAPO, Chattanooga, for change of frequency from 1,420 to 1,120 kilocycles and increase of power from 100 watts night, 250 watts day, to 500 watts night, 1,000 watts day, and WKEU, Griffin, Ga., for move of station to Macon, Ga., change of frequency from 1,500 to 1,310 kilocycles, extension of time from day to unlimited and increase of day power from 100 to 250 watts.

Oct. 21, before an examiner: Applications of KFJZ, Fort Worth, for change of frequency from 1,370 to 930 kilocycles and increase of power from 100 watts night, 250 watts day, to 500 watts, and WFIL, Philadelphia, for increase of day power from 1,000 to 5,000 watts.

John J. Storey Dies

WORCESTER, Oct. 17.—John J. Storey, 50, managing director of WTAG, owned by the Worcester *Telegram and Gazette,* and a former president of the National Association of Broadcasters, died here of a heart attack.

Institute Plans Program

The Refrigeration and Air Conditioning Institute will start a series of programs on WOR tomorrow from 6:45 to 7 P. M. James R. Lunke & Associates is the agency, and program details are not set.

Personal Service

London, Oct. 17.—F. W. Ogilvie, new director general of the British Broadcasting Co., declared in his first radio address to the public tonight that broadcasting is essentially a personal service.

Seeks Permit for Station in Miami

WASHINGTON, Oct. 17. — Applications of the Miami Broadcasting Co. for a 1,420-kilocycle, 250-watt station at Miami, and John F. Arrington, Jr., for a 1,230-kilocycle, 250-watt station at Valdosta, Ga., have been referred by the Federal Communications Commission to examiners for hearings.

Other applications on which hearings were ordered included those of WCBS, Springfield, Ill., for change of frequency from 1,420 to 1,290 kilocycles and increase of power from 100 watts night, 250 watts day, to 1,000 watts, and WHDF, Claumet, Mich., for extension of time from specified hours to unlimited.

Authority to move from Fort Worth to Wichita Falls, Tex., and to increase day power from 1,000 to 5,000 watts has been asked by KTAT. Station KFOY, St. Augustine, Fla., has applied for change of frequency from 1,210 to 1,220 kilocycles and increase of power from 100 watts night, 250 watts day, to 1,000 watts night, 5,000 watts day.

Place KSFO Disc Series

SAN FRANCISCO, Oct. 17.—"Ma Perkins" transcriptions have been placed on KSFO, CBS station, for one year by Procter & Gamble, through Blackett, Sample and Hummert. Another new account at KSFO is the Sommer and Kaufman chain shoe stores, announcements.

Air San Francisco Opera

SAN FRANCISCO, Oct. 17.—Despite threats to prohibit NBC from airing programs by the San Francisco Opera unless a member of American Federation of Radio Artists was used as announcer. A portion of "Andrea Chenier" was aired coast-to-coast on the Blue network.

Denial of WLW High Power Extension Put Up to FCC

WASHINGTON, Oct. 17.—Denial of WLW's application for continuance of its 500,000-watt experimental permit was recommended to the Federal Communications Commission today by the special committee which some weeks ago held hearings on the question. The committee is composed of Commissioners Norman S. Case, chairman; T. A. M. Craven and George Henry Payne.

The committee's report was seen as presaging an adverse report on increasing the power limit for broadcasting stations from 50 to 500,000 watts, on which hearings were held early last summer before the same group in Washington.

Denial of the application was recommended on the ground that the proposed research program of the Crosley station does not require the use of so much power to achieve its results, and that super-power operation in Cincinnati has had an adverse effect on WOR, Newark, and carries with it a question of its economic effect upon broadcasting generally. As a result of these and other factors, it was held, the commission should move cautiously in extending the station's permit, continuance of which will not serve public interest, convenience and necessity.

The report has yet to be considered by the full commission, where, it is expected another bitter controversy will be precipitated by efforts to have it rejected.

NBC Blue Net Starts Drive For Business

(*Continued from page* 1)

offered at bonus rates to advertisers. The rural survey covered one o[illegible]f every four counties in the country, [illegible]d, according to the network, embraces the listening viewpoints of 10,000,000 listeners.

The new discounts will be made available Nov. 1, and will apply when one or more of the Blue supplementary groups of stations, including the Blue Southern, Blue Southwest, Mountain and Pacific Blue are used in conjunction with the basic network.

The discount structure will be made available for advertisers buying the aforementioned groups, which are divided as follows: Southern group, comprising WMPS, Memphis; WSGN, Birmingham; WAGA, Atlanta; WDSU, New Orleans; WJBO, Baton Rouge. Southwestern group, comprising KTOK, Oklahoma City; KXYZ, Houston; KGKO, Dallas-Fort Worth. Blue Mountain group, comprising KVOD, Denver; KLO, Ogden; KUTA, Salt Lake City. Pacific group, comprising KGO, San Francisco; KECA, Los Angeles; KEX, Portland; KJR, Seattle; KGA, Spokane; KTMS, Santa Barbara; KFSD, San Diego.

The discount rates are as follows: (1) Basic Blue plus any two complete groups whose one-hour evening rate totals $500 or more, five per cent discount on entire cost of Blue facilities, including any station optional to the Basic Blue. (2) Basic Blue plus any two complete groups whose combined one-hour evening rate is $1,000 or more, 10 per cent discount. (3) Basic Blue plus any three complete groups whose evening hour rate totals $1,500 or more—15 per cent discount. (4) Basic Blue plus all four supplementary groups, 20 per cent off on entire cost of Blue facilities. The discounts, however, do not apply to WLW when used as part of the Basic Blue network.

Canada Set Sales Rise

WASHINGTON, Oct. 17.—Canadian radio sales to dealers in August amounted to 25,927 units, valued at $1,909,176, compared to 13,558 units, valued at $917,448, in July, and 25,196 units, valued at $2,277,781, in August last year, according to a Commerce Department report. Inventories as of Aug. 31, 1938, totaled 76,360 units, compared with 70,632 units on hand at the end of July and 68,533 units at the end of August, 1937.

Gunnar Back at WJNO

Gunnar Back has been named manager of WJNO, West Palm Beach, according to Joseph J. Weed Co., the station's representative here. Back formerly was on the faculty of the University of Wisconsin.

Sen. Wagner Buys Time

Robert F. Wagner, candidate for U. S. Senator from New York, has contracted for time over WOR beginning Oct. 31 and continuing daily through Nov. 7, from 11:15 to 11:30 P. M.

FILE COPY
DO NOT REMOVE

Alert.
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

44. NO. 77 NEW YORK, WEDNESDAY, OCTOBER 19, 1938 TEN CENTS

Plea for Stay Is Opposed in Chicago Suit

Majors Ask Striking Out Of Parts of Complaint

CHICAGO, Oct. 18.—B. & K. and major company defendants today opened the hearing on the Chicago independent exhibitors' application for a temporary injunction, pending trial of their anti-trust suit, in Federal Judge Wilkerson's court here by countering with briefs in opposition to the application and asking that portions of the complaint be stricken out.

The move took counsel for the independents by surprise and impelled them to ask for an adjournment of the hearing while they studied the new briefs. The court denied the request and ordered the hearing to proceed.

R. L. Wright, a representative of the Department of Justice, attended the hearing as an observer. At one point the court asked whether the Government was taking any part in

(*Continued on page* 4)

Smith Arrives to Talk Republic Deal

Sam Smith, chairman and managing director of British Lion Film Corp., arrived yesterday on the *Queen Mary* for preliminary talks with H. J. Yates and Morris Goodman, Republic foreign chief, on a new distribution deal for the United Kingdom.

The present four-year pact does not expire until next July. It is probable that the new agreement will run for four or five years. Republic's British quota requirements are no problem, as

(*Continued on page* 4)

Hays to Be Speaker At Tribune's Forum

Will Hays, president of the M. P. P. D. A., will take part in the opening session of the *Herald-Tribune* Forum. The first session will be devoted to "Keeping the Mind of the Nation Young," and Hays will discuss the part films play in that effort. Participating with Hays in the discussion will be a well known producer and film player, yet to be named. The

(*Continued on page* 4)

Radio—Page 8

Schaefer Enters RKO Next Week

It is quite possible that George J. Schaefer may take the helm of RKO, at the close of this week, or early next week. Creditors and representatives of the Irving Trust Co., trustee of RKO, conferred on this matter yesterday. They will confer again before the close of the week. Very likely the matter will be entirely settled at the next meeting of the parties.

"Pygmalion" Dated Next at the Astor

"Pygmalion," Gabriel Pascal's production of the George Bernard Shaw play, is set for the Astor, on Broadway, following the close of the "Marie Antoinette" run. No closing date for the latter has been set yet.

"Marie Antoinette" grossed $8,058 in its ninth week at the Astor. "Too Hot to Handle" will leave the Capitol Thursday after three weeks to make way for "Stablemates." "Suez" is going strong at the Roxy and will be held over, and "The Sisters" at the Strand is set for a three-week run. "There Goes My Heart" had a good run at the Music Hall. It will go out tomorrow, to be followed by "The Mad Miss Manton." "Service De Luxe" will start Saturday at the Rivoli. "Girls on Probation" will start at the Criterion Thursday. At the Globe, "Dark Rapture" will be held for a third week.

"If I Were King" has grossed $170,000 for a new three-week record at the Paramount. A total of 353,000

(*Continued on page* 4)

TRADE TALKS GET UNDER WAY TODAY

Jersey Allied Starts 3-Day Meet Today

ATLANTIC CITY, Oct. 18.—With national Allied officers and directors in attendance, the 19th annual convention of Allied Theatre Owners of New Jersey will start here tomorrow for three days at the Ritz-Carlton Hotel. The New York Allied unit will hold its first convention with the New Jersey unit.

Irving Dollinger has no apparent opposition for election as New Jersey president for a second term.

Abram F. Myers, national board chairman and general counsel, and Nathan Yamins, national president, are expected here Thursday to give the main addresses. They are now in New York attending the trade practice conferences. Board members who are not members of Allied's negotiating committee are expected to be on hand for the opening session.

The national board is scheduled to meet here Thursday to hear a report on Allied's progress in the trade practice negotiations with the distributors' committee.

Representatives are arriving also for an eastern regional conference of independent exhibitors, including delegates from Massachusetts, Connecticut,

(*Continued on page* 2)

Kent, Depinet Will Meet MPTO; Rodgers, Sears Confer with Allied

Negotiations on an industry trade practice program get under way at 10 A. M. today with separate meetings between distributor spokesmen and committees representing the M.P.T.O.A. and Allied States.

William F. Rodgers, speaking for the distributors, said yesterday that he expected the negotiations to extend well into next week. On Monday the distributors will start discussions with six unaffiliated exhibitor organizations not represented by the major committees. Rodgers said an effort will be made to have the unaffiliated groups appoint a joint committee to facilitate procedure.

The distributors' committee will be split up in order to permit simultaneous meetings with the two major exhibitor groups. S. R. Kent and Ned E. Depinet will meet with the the M.P.T.O.A. Gradwell L. Sears and Rodgers will handle the sessions with Allied. Abe Montague will alternate between the two.

The meetings will be held at the Union League Club. It has been

(*Continued on page* 4)

U. S. Intervenes In GTP-ERPI Suit

Washington, Oct. 18.—To "assert and protect the public interest," the Department of Justice will intervene in the suit of General Talking Pictures (Schlesinger) Corp., against the Western Electric Co., and Electrical Research Products, Inc., when this case comes up for rehearing on a writ of certoriari, in the U. S. Supreme Court tomorrow, and involving the right of a patent owner to restrict the manner and use of his patent, in this case a vacuum tube amplifier. The Government's action is unusual.

This is the case on which GTP won a writ of certoriari, and which when first argued, Justice Hugo Black was the lone dissenter. The D. of J. by its intended action is supporting the contentions of Justice Black. Attorneys Samuel Darby, noted patent lawyer and Ephraim Berliner, are counsel to GTP.

Horror Dual Revival Stirs General Box-Office Riot

Two months ago Universal's accountants rated "Dracula" and "Frankenstein" as completely amortized. In other words, they were among the half-forgotten celluloid taking up space in the storage vaults that might fill in some place, some time and bring in a few dollars.

That was two months ago. What they're rated now is something else. Every time Nate J. Blumberg or any other "U" executive takes a look at the grosses he sits back and feels like Cecil Rhodes felt when he found he owned a South African diamond mine.

Nobody at Universal claims to be the Christopher Columbus who discovered "Dracula" and "Frankenstein" were 18-karat gold. It just happened.

Last August the proprietor of the Regina Theatre at Beverly Hills, who was playing triple bills at 25 cents top, found himself stuck for product. He made a deal with the Los Angeles exchange for the two horror films to play on a triple with "Son of King Kong" for four days. He hoped they'd last that long and pay the house overhead.

Beverly Hills traffic stopped around the house the first night. The police helped keep the customers in line. The second day the exhibitor dropped

(*Continued on page* 4)

Jersey Allied Starts 3-Day Meet Today

(Continued from page 1)

Maryland, eastern Pennsylvania, Delaware, District of Columbia and other points. A product survey of eastern seaboard exhibitors, indicating terms and other contractual data, will be a highlight.

There will be an open forum discussion on industry problems and issues, such as the Government's anti-trust suit, the Neely bill, "divorcement" legislation, and other matters. The New York group, headed by Max A. Cohen, plans to make an issue of radio competition.

In addition to Dollinger, New Jersey officers are: Jacob Unger, Hillside, secretary; David Snaper, New Brunswick, treasurer; Maurice J. Miller, Passaic, assistant treasurer. Directors are Mark Block, George Gold, Newark; Frank P. Gravatt, Atlantic City; Harry K. Hecht, Passaic; Helen B. Hildinger, Trenton; William C. Hunt, Wildwood; Lee W. Newbury, Belmar; I. A. Roth, Summit; Sidney E. Samuelson, Newton.

Local theatres and amusement piers will admit registered delegates without charge if they wear convention badges.

Date for Lund Rites Is Tentatively Set

Funeral services for Ralph Lund of the RKO advertising and publicity staff are tentatively set for Thursday at Campbell's Funeral Parlor. Lund died Monday at Veterans' Hospital, Bronx, after a long illness. He is survived by his widow, parents and three brothers. He was 47 years old.

Lund had been connected with the film industry since 1925, when he left newspaper work to join Universal. Later he was associated with Lord & Thomas.

Hal Roach on Coast

HOLLYWOOD, Oct. 18.—Hal Roach arrived from New York today.

THE MERCURY

GIANT SKYSLEEPERS

OVERNIGHT TO LOS ANGELES

Fly the Southern SUNSHINE route overnight to Los Angeles. Through service. No change of planes. Giant SKYSLEEPERS. Complimentary meals served by stewardesses.

Mercury Lv. 5:10 p. m. (only 3 stops)
Southerner Lv. 9:00 p. m. (only 5 stops)

FOR RESERVATIONS: Call Your Travel Agent or VANderbilt 3-2580. Ticket Offices: 45 Vanderbilt Ave., and Rockefeller Center, 18 W. 49th St.

AMERICAN AIRLINES Inc.

Insiders' Outlook

ROGER FERRI is 20th Century-Fox company's news dynamiter, who, single handed, edits three weekly house organs, and never fails to get the papers out regularly, whether he is here or on the road. Besides *The Dynamo,* Ferri also edits *The Studio Special* and *The S. R. Kent Drive.* Ferri often will be traveling and at night sit down and bang out his copy and print and makeup his house organs at the nearest plant of some newspaper syndicate. Then by plane and mail he will have the papers distributed. Thus the studio and the branch manager always gets his paper on time. Editor Ferri's work is so extensive, he receives as many as 1,000 pieces of mail in a week.

▼ ▼

All talk of a deal for the purchase of M. J. Meehan's K-A-O preferred stock by RKO reorganization factors has ended for the present. Believed likely that nothing more will be done on this until after RKO has emerged from reorganization.

Meehan's holdings of K-A-O preferred have a market value of several million dollars. The preferred is entitled to vote for as long as these accumulated dividends remain unpaid. Negotiations for the purchase of the stock were well advanced at one stage last spring.

▼ ▼

Emanuel Cohen owns some RKO securities. The former Paramount producer recently acquired these. Strictly an investment matter, insofar as known. Cohen is still in New York, working on future plans, which may take him abroad.

Purely Personal

NORMAN MORAY, Vitaphone sales manager, returned yesterday from Philadelphia and Washington, where he screened "The Declaration of Independence" before various civic and Government officials.

•

DR. R. F. DE OLIVERA, Argentine newspaperman and playwright and special representative of *El Pueblo,* leading South American Catholic publication, is visiting here.

•

J. S. MARKSTEIN will return to the home office in Chicago tomorrow, following a trip through Canada and the east.

•

NAT ROCHLIN of M-G-M's home office checking department staff will leave Saturday for Pittsburgh, where he will be a student booker.

•

RAY GALLAGHER of the MOTION PICTURE HERALD advertising staff, will sail today on the *Queen of Bermuda* for a vacation.

•

SAM COCALIS is negotiating a product deal for the S. & C. circuit with U. A. He was at the exchange yesterday.

•

JOSEPH KUTCHER of the Manor, Livingston Manor, N. Y., closed a deal at the U. A. exchange yesterday.

•

TOM CONNORS, M-G-M division manager, is expected back tomorrow from a two-week field trip.

•

HERBERT MARSHALL arrived yesterday from the coast. He is staying at the Sherry-Netherland.

•

BING CROSBY and his family left by train for the coast yesterday after a Bermuda vacation.

•

SID COHEN of the Lyceum, Woodridge, N. Y., was in town yesterday.

WOLFE COHEN, Warner Canadian district manager, was in town from Toronto yesterday for home office conferences with CARL LESERMAN, assistant general sales manager. COHEN will return today.

•

GARRY PICCIONE, manager of the Strand, Rockville Center, is convalescing at the French Hospital after an appendicitis operation.

•

STANLEY W. HAND, staff representative of Altec, has returned to New York from a trip through the southwest and midwest.

•

MRS. ARTURO TOSCANINI, wife of the maestro, and MR. and MRS. WALTER TOSCANINI, will arrive today on the *Conte di Savoia.*

•

SAM GOLDSMITH, treasurer of Guaranteed Pictures, sailed yesterday on the *Washington* for Europe on business.

Only UNITED offers you SKYLOUNGE MAINLINERS

New York-Chicago, 4 hrs. 45 min.

2 non-stop Skylounge flights daily. Extra luxury at no extra fare. Only UNITED'S Skylounge Mainliners offer you 14 lounge chairs in a 21-passenger cabin. Seven other fast Mainliner flights. RESERVATIONS: 58 E. 42nd St., MUrray Hill 2-7300. Or travel bureaus, hotels.

UNITED AIR LINES
The Main Line Airway

MGM Managers to Vacation in Europe

Nine members of the M-G-M domestic sales staff will sail Saturday on the *Conte di Savoia* for a month's jaunt in Paris and London and way points. A round dozen others are being given the same trip from other parts of the world, for placing high in an international billings contest.

They are Charles E. Kessnich of Atlanta and John J. Maloney of Pittsburgh, who won his prize while Pittsburgh branch manager. The others are Burtus Bishop, Jr., Charlotte; William B. Zoellner, Oklahoma City; Walter E. Banford, St. Louis; J. Frank Willingham, Memphis; Maurice Saffle, Salt Lake City; William H. Workman, Minneapolis, and Leroy A. Bickel, Dallas.

The American contingent will meet in Paris Oct. 30 with 11 winners from other countries and will spend a week in Paris and London, returning here Nov. 16. There will be a get-together for the men with home office representatives at the Astor Friday night.

Edward Aaron, assistant to William F. Rodgers, general sales manager, will remain in the south, working out of Dallas, while Kessnich and the others are away.

Denies Para. Claim Of Tax Overpayment

John S. Shea, as administrator of John W. Anderson, former Collector of Internal Revenue for the Third District of N. Y., yesterday filed answer in the U. S. District Court to the suit brought by Paramount Pictures, Inc., as successor to Paramount-Publix, to recover $133,000 in alleged overpayments of 1930 income taxes.

The defendant in its answer specifically denied Paramount's assertion that it had erroneously paid the tax twice on a profit of $1,335,452, which Paramount received from Canadian Paramount Corp., Ltd., its subsidiary.

R & R, Warners in Deal

Robb & Rowley Circuit of Texas and Oklahoma has bought the entire Warner output for 1938-'39, covering 31 houses.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS:—*Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London: Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

The LION'S ROAR

Some people are allergic to charts. They get dizzy just from watching.

We're very fond of charts, especially those with the zig-zag lines going UP!

Right now, what with car loadings, bigger button-holes, second helpings and all those other business indices it looks like prosperity is coming out from around that corner

As we go to press, newspaper dispatches published nationally tell of a sharp business upturn, a gain in momentum that is bringing about the greatest second half expansion in ten years!

M-G-M prepared for it months ago, is ready for it this Fall and Winter as never before in its history!

Stars and stories and manpower and resources! Big productions!

Our release schedule from August to New Year's is geared in anticipation of what is happening in America!

Geared for "A" times with "A" pictures!

Your future is very rosy, Mr. Exhibitor.

* * * * *

ROLLING ALONG!

"Boys Town" continues big everywhere. "Thanks for telling us to hold it extra days," writes R. L. Kehr, Nebraska exhibitor, and that's typical of hundreds of accounts. "Too Hot To Handle" hold-overs are mounting too. It's a smart policy to keep your playing time ready for M-G-M hold-overs. "Stablemates" is another soul-satisfying hit!

* * * * *

"DR. KILDARE's" TONIC!

Flash! As we go to press. Good medicine is "Young Dr. Kildare" in Norfolk, Reading, Memphis. M-G-M's new series (*with Dr. Lew Ayres*) is off to a healthy start.

A NEW NOTE IN FAN MAGAZINE ADVERTISING!

The column reproduced to the right will be read by your patrons.

Leo, who has been telling you about his M-G-M affairs these many years through the trade press, now appears also in all fan magazine ads with a personal column addressed to the fans. Leo's happy to talk to this nationwide audience and he believes he's going to help you sell additional tickets. Something new all the time from that frisky Lion!

* * * * *

"White-haired boy"

LEW AYRES GOING UP!

The mailman at the studio is as good a barometer of public interest as anything we can name. He's carrying a lot of letters to handsome young Lew Ayres these days. Lew did a sincere job in "Holiday," followed with an engaging performance in "Rich Man—Poor Girl." Then the ticket-buyers started a Lew Ayres boom! M-G-M likes to build stars for the public that worships them, so Lew Ayres is going up. When you see "Young Dr. Kildare" you'll know he *is* UP!

* * * * *

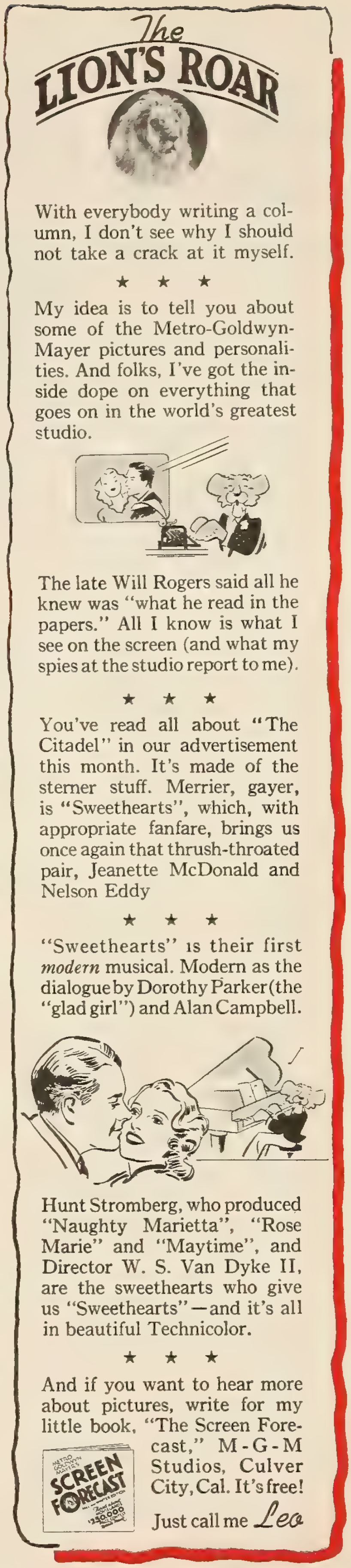
WEALTH OF TALENT!

The announcement of "A New York Cinderella" with Spencer Tracy and Hedy Lamarr in the leading roles is evoking plenty of trade interest. No personality within recent years has sky-rocketed to such fame in so short a time. The magazines cry for her photos. Interviewers besiege her. "Screen find of the year" said Motion Picture Daily. And Hollywood Reporter states: "She is destined to reach great heights. She has more sex, more rare beauty than the screen has seen for many days, and with it definite artistry. Hedy Lamarr will be a sensation." Add another bright name, gentlemen, to your list of M-G-M's golden stars!

* * * * *

"CITADEL" TRADE SHOWS!

Until you see it with your own eyes you won't really know. And when you do see it you'll never stop talking about it. Nationwide screenings this week at strategic points of M-G-M's magnificent drama "The Citadel". We'll publish your comments on this page if you'll write us what *you* thought.



The LION'S ROAR

With everybody writing a column, I don't see why I should not take a crack at it myself.

* * *

My idea is to tell you about some of the Metro-Goldwyn-Mayer pictures and personalities. And folks, I've got the inside dope on everything that goes on in the world's greatest studio.

The late Will Rogers said all he knew was "what he read in the papers." All I know is what I see on the screen (and what my spies at the studio report to me).

* * *

You've read all about "The Citadel" in our advertisement this month. It's made of the sterner stuff. Merrier, gayer, is "Sweethearts", which, with appropriate fanfare, brings us once again that thrush-throated pair, Jeanette McDonald and Nelson Eddy

* * *

"Sweethearts" is their first *modern* musical. Modern as the dialogue by Dorothy Parker (the "glad girl") and Alan Campbell.

Hunt Stromberg, who produced "Naughty Marietta", "Rose Marie" and "Maytime", and Director W. S. Van Dyke II, are the sweethearts who give us "Sweethearts"—and it's all in beautiful Technicolor.

* * *

And if you want to hear more about pictures, write for my little book, "The Screen Forecast," M-G-M Studios, Culver City, Cal. It's free!

Just call me Leo

* * * * *

We acknowledge with gratitude and appreciation receipt this week of Box-Office Magazine's Blue Ribbon of merit.

"Boys Town" won the award for the best family film.

Produced by the company with the best film family.

You guessed it, the Hardys!

-Leo

Trade Reform Talks Will Be Started Today

(*Continued from page 1*)

agreed that the three committees will issue a joint statement detailing today's progress. A similar procedure may be followed daily.

Presumably, the M.P.T.O.A. proposals will be based on that organization's 10-point program. However, for purposes of simplifying the negotiations, the working committee has consolidated two proposals which are similar to each other, so that only nine separate points will be presented for negotiation. The organization's proposals for correction of non-theatrical competition will be discussed under the head of unfair competition with theatres and between theatres.

The Allied committee, headed by Col. H. A. Cole, met with Rodgers yesterday noon for a brief discussion of policy and procedure. Allied expects its session to last all day.

Allied's negotiating committee has been uninstructed by the directors on definite trade practice proposals. The distributors' committee will, however, ask the exhibitor groups to present their demands at the outset of today's sessions.

About 45 Groups Represented

Approximately 45 exhibitor groups will be represented in the negotiations. Allied and the M.P.T.O.A. each claim about 20 affiliated units. The M.P.T.O.A. will also represent the West Virginia Managers Association, which is not affiliated. In addition, there are six unaffiliated regional units which will conduct their own negotiations. These are the I.T.O.A. of New York; I.T.O. of Southern California; M.P.T.O. of Kentucky; Theatre Owners and Managers of the Rocky Mountain Region; M.P.T.O. of Virginia, and Allied of Iowa. Leo F. Wolcott, prseident of the Iowa unit, is here now. Charles R. Gilmour, president, will represent the Rocky Mountain group. He will arrive in New York Sunday. Ed Schulte, Casper, Wyo., exhibitor, may accompany Gilmour.

The M.P.T.O.A. negotiating committee includes Ed Kuykendall, O. C. Lam, M. C. Moore, Mack Jackson, Ed Levy, Arthur Lockwood, Charles E. Williams, H. V. Harvey, Lewen Pizor and Sam Pinanski.

Allied's committee consists of Colonel Cole, chairman; W. A. Steffes, Ray Branch, Sidnev Samuelson and Nathan Yamins. Abram F. Myers, general counsel, also will attend. Alternates are M. A. Rosenberg and Herman Blum.

The M.P.T.O.A. committee, with Kuykendall as chairman, will present the program of trade practice proposals which it completed yesterday.

Thomas Gorman Now In RKO Chicago Job

CHICAGO, Oct. 18.—Thomas Gorman, well known showman and one of the leading theatremen in the country, is now with RKO Theatres. He replaces Samuel Blaine, resigned, who leaves for Hollywood. Gorman will operate throughout the territory, under James Christie, division manager.

"Pygmalion" Dated Next at the Astor

(*Continued from page 1*)

paid admissions also set a record for the same period. The film took $46,000 in its third week and will be held for a fourth.

Foreign films on Broadway reported business at better than average. "Grand Illusion" at the Filmarte and "Edge of the World" at the 55th St. Playhouse are being held for a sixth week. "Lily of Killarney," a musical based on Dion Boucicault's "Colleen Bawn," will go into the Squire, after a three-week run for "Men of Ireland." The Rialto has booked the G. B. film, "Man With 100 Faces," but no date has been set. "Flight Into Darkness" is in its first week at the Belmont. "Palermo," an Argentine film, goes into the Teatro Latino on Friday.

Fay's Reopens Friday

PROVIDENCE, Oct. 18.—Fay's Theatre, damaged by the tidal wave, has been reseated and renovated and will reopen Friday. The Strand is still closed for repairs. The Metropolitan, taken over temporarily as an outlet for Strand bookings, has been closed.

On Again, Off Again

Minneapolis, Oct. 17.—A comedy of errors was enacted here when the City Council unwittingly granted a license to H. L. Griffith for a theatre. On two previous occasions the council had granted Griffith the license and both times the action was rescinded. On this last occasion, the council was running through 20 licenses for various projects, and the one for Griffith went through by mistake. Again it was rescinded.

Hays to Be Speaker At Tribune's Forum

(*Continued from page 1*)

forum opens Oct. 25 at the Waldorf Astoria and the networks will cover all phases of the discussions.

The forum will be divided into five sessions over as many days. Among the scheduled speakers are President Roosevelt, Mayor LaGuardia, William Green, John Lewis, Dr. Robert Milliken, Dr. Morris Fishbein, Gerard Swope and Assistant Attorney General Thurman Arnold.

Horror Dual Revival Stirs General Box-Office Riot

(*Continued from page 1*)

"Kong" to make the shows shorter. At the end of the four days he made a deal to keep the horror dual on indefinitely. Another 24 days passed and the films were still there. The grosses had the Regina cashier dizzy.

Charles Skouras, who knows a good thing when he sees it, tried to get the dual for Fox West Coast houses. W. J. Heineman, western sales manager for Universal, went into conference with Bill Scully, general sales manager, and he went into a huddle with Blumberg. In no time at all James J. Jordan, Scully's assistant, began to devote his entire time to "Dracula" and "Frankenstein."

The films were booked into the Blue Mouse at Seattle at 25 cents top with this advertising: "We dare you to see both together—Can you take it?" This deal was on a flat rental basis for three weeks.

Seattle could take it—and did. John Hamrick wanted more of the same. He booked the dual into the Rivoli at Portland, Ore. "Frankenstein" had previously played there on a dual with "Love Before Breakfast" without stirring much of a ripple. The gross had been $1,358. In the first four days with the combination the take was $2,421. By the end of the week it was $3,100.

Salt Lake City was the scene of the next riot. Thirty minutes after the films had opened at the Victory the manager telephoned the police for assistance.

Then another San Francisco earthquake developed. Universal had sold the films to Milton Arthur for the Orpheum and he wanted to get out of the agreement. The company opened negotiations with Herman Cohen for the Embassy and the deal fizzled on an argument over $50. Finally the Orpheum took the pair on a guarantee of house expenses of $750 with a percentage over that. The gross on the run was $12,000 and Universal took out $5,000 net. All deals since have been on a percentage basis.

At St. Louis Harry Arthur took the dual for the St. Louis theatre and grossed $12,000 in seven days. The theatre average has been around $3,000. The Palm-States at Detroit took in over $16,000.

Open Wednesday at Chicago

The films will open next Wednesday at the Garrick, a B. & K. house in Chicago. The opening day at the Rialto here averaged $3.37 per seat in a 594-seat house. The Albee at Providence grossed $7,686 in the first four days, topping "My Man Godfrey" by $2,586. The Uptown at Kansas City was another house that needed police to control the crowds.

Within the last week the dual has begun to get out into the smaller towns. At McKeesport, Pa. the McKeesport, a 515-seat house, took $592 the first day, an average of $1.18 per seat at 25 cents top, and the second day's take was $496.

Whether these unusual results will start a new cvcle of horror films, is one of those things. "Frankenstein" was released in 1931. "Dracula" followed a year later. New audiences have developed. It is intimated that Universal is looking around for a followup and thinks it may be "Bride of Frankenstein" with "Dracula's Daughter."

Apparently, although the box office end of this horror riot isn't in sight, yet, Universal wants to be prepared.

Plea for Stay Is Opposed in Chicago Suit

(*Continued from page 1*)

the case and was informed by W[illegible]t that he was not present as a Gov[illegible]ment participant but merely to observe.

At another point, Judge Wilkerson commented that the "Federal Government might do well to look into this case, if the complainants' charges are true, for their application to the divorcement of exhibition from production and distribution," as sought in the Government's suit against the organized industry.

Arguments over the context of briefs occupied most of today's hearing. The case will continue tomorrow.

Minnesota Divorce Bill to Be Pushed

Allied of the Northwest will sponsor a "divorcement" bill in Minnesota at the January legislative session regardless of the Supreme Court's forthcoming action on the validity of the North Dakota statute, which has been upheld by a statutory court.

W. A. Steffes, head of the Allied regional unit and of national Allied's defense committee, made this assertion here yesterday. He said he has no knowledge of what other regional units plan in this direction, but that the plan for the Minnesota action is definite.

Other units, such as New Jersey and New York, prefer to await the Supreme Court's ruling on the controversial legislation before proceeding in their states.

Steffes said that Bennie Berger's grievance concerning alleged unfair competition in Bemidji, Minn., has not been settled. Northwest Allied officials conferred with sales managers on this question earlier this year. It concerns the building of a theatre by Baer Bros. in the town and its operation at alleged cut-rate admission prices.

Smith Arrives to Talk Republic Deal

(*Continued from page 1*)

the deal whereby British Lion takes Republic's entire program provides for the English company's production of its own quota films.

Smith also will confer with N. L. Nathanson, head of Famous Players Canadian, who is on the directorate of British Lion and Republic's distributor in Canada. Nathanson is expected here late this week. Smith plans to be here about two weeks, returning to London to supervise two films which are scheduled to start at the company's Beaconsfield studios Nov. 1.

Cobe G. N. Manager

BOSTON, Oct. 18.—Robert Cobe, Republic manager here, and New England industry veteran, has resigned to become Grand National manager. George Rabinowitz has succeeded Cobe.

Dionne Film, Spitalny Set Detroit Pace

Detroit, Oct. 18.—The premiere of "Five of a Kind," with Phil Spitalny [illegible] the stage show, helped the Fox to $23,000.

"Too Hot to Handle" at the United Artists turned in a nice $10,500. The big surprise of the week was the rush business at the Palms-State, $8,500, with a revival of "Dracula" and "Frankenstein."

Estimated takings for the week ending Oct. 14:

"Hoosier Schoolboy" (Monogram)
"Mr. Wong, Detective" (Monogram)
ADAMS—(1,770) (10c-40c) 7 days. Gross: $4,400. (Average, $4,000)
"Five of a Kind" (20th-Fox)
FOX—(5,100) (15c-65c) 7 days. Stage: Phil Spitalny and Hour of Charm Girls. Gross: $23,000. (Average, $20,000)
"Algiers" (U. A.)
"Touchdown Army" (Para.)
MICHIGAN—(4,100) (15c-65c) 7 days. Gross: $16,000. (Average, $16,000)
"Frankenstein" (Univ.)
"Dracula" (Univ.)
PALMS-STATE—(3,000) (10c-50c) 7 days, revival. Gross: $8,500. (Average, $5,000)
"Too Hot to Handle" (M-G-M)
UNITED ARTISTS—(2,070) (15c-50c) 7 days. Gross: $10,500. (Average, $10,000)

"Spawn" Montreal Hit; Gets $11,000

Montreal, Oct. 18.—"Spawn of the North" at the Capitol grabbed top honors with a take of $11,000. Canadian Thanksgiving Day, a national holiday, made business even better than on Labor Day.

"Marie Antoinette" continued for a third week at the Palace with a take of $9,000. "Give Me a Sailor," eight vaudeville acts, grossed $12,000 at Loew's.

Estimated takings for the week ending Oct. 15:

"Spawn of the North" (Para.)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: $11,000. (Average, $9,500)
"Damaged Goods" (G. N.)
HIS MAJESTY'S—(1,584) (25c-34c-50c) 7 days. Gross: $6,000. (Average, $6,000)
"Give Me a Sailor" (Para.)
LOEW'S—(2,800) (25c-40c-50c) 7 days. Stage: Eight vaudeville acts. Gross: $12,000. (Average, $8,000)
"Breaking the Ice" (RKO)
"Fugitives for a Night" (RKO)
ORPHEUM—(919) (25c-35c-50c) 7 days. Gross: $6,000. (Average, $5,000)
"Marie Antoinette" (M-G-M)
PALACE—(2,600) (25c-40c-55c-65c) 7 days, 3rd week. Gross: $9,000. (Average, $11,000)
"I Am the Law" (Col.)
"City Streets" (Col.)
PRINCESS—(2,272) (25c-35c-50c-65c) 7 days. Gross: $7,500. (Average, $7,000)

Make Film of "Mamlock"

Friedrich Wolfe's play, "Professor Mamlock," concerning Jewish persecution by the Nazis, which played Broadway last season, has been produced as a Russian film, and will be released by Amkino in the United States soon.

Dyckhoff Joins Compton

Felix B. Dyckhoff, who resigned from the Compton agency a year ago to become assistant to George Washington Hill, Jr. of the American Tobacco Co., will rejoin Compton as an account executive starting today.

Out Hollywood Way

Hollywood, Oct. 18.—Less than 24 hours after the preview of "Brother Rat," Hal B. Wallis took up the option on the services of Eddie Albert, who appeared in the film in the same role that he had in the New York stage production. His next will be "The Poor Nut."

After viewing rushes of "Three Musketeers" Darryl Zanuck increased the budget to $1,000,000 . . . Universal has signed John Burke and James Monaco, song writers for Bing Crosby's vehicles, to write songs for "Three's Company," the one picture Crosby will make this year for that studio . . . Barbara Stanwyck will play the leading feminine role in Paramount's "Union Pacific."

"Katherine the Last" has gone into production at M-G-M with Franciska Gaal and Franchot Tone in the leads, and Walter Connolly, Rita Johnson, Reginald Gardiner and Franklin Pangborn supporting. Norman Taurog is directing and Harry Rapf, producing . . . Paramount has signed Barry McKay, young English leading man, to a term contract. His first will be "I'm From Missouri" . . . Pat O'Brien and Wayne Morris will be co-starred in "The Roaring Road," automobile racing story at Warners.

+

Casting—Fay Wray in "Spy Ring," featuring Ralph Bellamy, Columbia . . . Henry Travers and Dorothy Peterson in "Dark Victory," Warners . . . Clarence Kolb, Virginia Weidler, Luis Alberni, Elizabeth Risdon, Jonathan Hale and J. W. Kerrigan in "A Great Man Votes," RKO . . . Ward Bond, Fred Kohler, Sr., Paul Guilfoyle, Leona Roberts and Olin Howland, in "Saints Without Wings," RKO . . . Binnie Barnes, Joseph Schildkraut, George Barbier, Eugene Pallette, in "Wife, Husband and Friend," 20th Century-Fox . . . Fay Shain in "Ghost Town Riders," Bob Baker western at Universal . . . Alice Brady in "It's Spring Again," Roach . . . Sidney Blackmer, Ralph Morgan and Victor Kilian in "Strongheart," Republic.

+

Contracts—Republic has given a term contract to Charles Hogg, 15-year-old Philadelphia singer, and he will make his debut in "Strongheart."

+

Title Changes—RKO has changed the title of "The Pure in Mind," to "Saints Without Wings," and "Love Match" to "Love Affair" . . . "A Bundle of Joy," Jones Family picture at 20th Century-Fox, is now "Everybody's Baby."

+

Directors—Paramount has assigned Alexander Hall to direct "The "Lady's from Kentucky," and Raoul Walsh for "Air Raid."

"Too Hot" $10,500 Draw at New Haven

New Haven, Oct. 18.—"Too Hot to Handle," on a dual with "The Gladiator," packed the Loew-Poli throughout the week and rolled up a $10,500 take. The bill was moved to the College for a second week.

"You Can't Take It with You" took a big $4,200 in its second week at the College.

Estimated takings for the week ending Oct. 14:

"You Can't Take It With You" (Col.)
COLLEGE—(1,499) (35c-50c) 7 days, 2nd week. Gross: $4,200. (Average, $2,800)
"Too Hot to Handle" (M-G-M)
"Gladiator" (Col.)
LOEW-POLI—(3,040) (35c-50c) 7 days. Gross: $10,500. (Average, $8,000)
"Touchdown Army" (Para.)
"Men Are Such Fools" (W. B.)
PARAMOUNT—(2,348) (35c-50c) 8 days. Gross: $5,000. (Average, $4,400)
"Four Daughters" (W. B.)
"Mr. Doodle Kicks Off" (RKO)
ROGER SHERMAN—(2,200) (35c-50c) 7 days, 2nd week. Gross: $4,100. (Average, $4,700)

Dortic Is G. N. Manager

Pittsburgh, Oct. 18. — Charles Dortic, salesman, has been named Grand National branch manager, here, succeeding Jules Lapidus. Max Shulgold has joined the sales staff.

Washington Takes Fall Into Decline

Washington, Oct. 18. — Grosses went into the doldrums last week with the return of warm weather and the presence of two holdovers. The holdovers, "You Can't Take It With You," in its second week at Warners' Downtown, and "Marie Antoinette," in its fourth week at Loew's Columbia, were the only attractions to get into the profit column.

Estimated takings, exclusive of tax, for the week ending Oct. 13:

"Straight, Place and Show" (20th-Fox)
LOEW'S CAPITOL—(3,434) (25c-65c) 7 days. Stage: Eddie Garr, Fred Sanborn & Chester Hale Girls. Gross: $15,000. (Average, $16,500)
"Marie Antoinette" (M-G-M)
LOEW'S COLUMBIA—(1,243) (25c-40c) 7 days, 4th week. Gross: $4,500. (Average, $4,200)
"Spawn of the North" (Para.)
LOEW'S PALACE—(2,370) (25c-55c) 7 days. Gross: $11,000. (Average, $11,500)
"Youth Takes a Fling" (Univ.)
RKO-KEITH'S—(1,836) (25c-40c) 7 days. Gross: $6,500. (Average, $10,000)
"You Can't Take It With You" (Col.)
WARNERS' EARLE—(2,218) (25c-66c) 7 days. Stage: Lucy Monroe and Roxyettes. Gross: $18,500. (Average, $16,000)
"Four Daughters" (W. B.)
WARNERS' METROPOLITAN—(1,591) (25c-40c) 7 days. Gross: $4,000. (Average, $4,000)

Warners and L. & J. Sign

Warners have closed a deal with the Lucas & Jenkins circuit for the Warner-First National-Cosmopolitan lineup. Ben Kalmenson, western and southern sales manager; Fred Jack, southern district manager, and Ralph McCoy, branch manager, acted for Warners, and William Jenkins signed for the circuit.

Midwest Promotes Goetz

Cincinnati, Oct. 18.—Joe Goetz, manager of the RKO Paramount and Orpheum, has been named assistant division manager of RKO Midwest under Arthur M. Frudenfeld here. The two houses will be managed by M. J. Kavanaugh, formerly with United Artists.

"Secretary" Band $12,600 K.C. Grosser

Kansas City, Oct. 18.—"Personal Secretary," with Glen Gray and his orchestra heading a stage show, set a fast pace for first runs during the week by taking $12,600 at the Fox Tower.

"Stablemates" and "Vacation from Love" went into the profit column in a big way on a $13,400 gross at the Midland.

Estimated takings for the week ending Oct. 12-13:

"Straight, Place and Show" (20th-Fox)
ESQUIRE—(800) (25c-40c) 6 days. Gross: $2,000. (Average, 6 days, $3,200)
"Valley of the Giants" (W. B.)
"Touchdown Army" (Para.)
NEWMAN—(1,900) (25c-40c) 7 days. Gross: $6,400. (Average, $7,000)
"Straight, Place and Show" (20th-Fox)
UPTOWN—(2,000) (25c-40c) 6 days. Gross: $3,200. (Average, 6 days, $3,400)
"Stablemates" (M-G-M)
"Vacation From Love" (M-G-M)
MIDLAND—(4,000) (25c-40c) 7 days. Gross: $13,400. (Average, $11,500)
"Garden of the Moon" (W. B.)
"Secrets of An Actress" (W. B.)
ORPHEUM—(1,500) (25c-40c) 7 days. Gross: $3,600. (Average, $4,000)
"Personal Secretary" (Univ.)
FOX TOWER—(2,200) (25c-35c-55c) 7 days. Stage: Glen Gray & his Casa Loma Orchestra, featuring Kenny Sargent, "Pee Wee" Hunt, and Sunny Dunham. Gross: $12,600. (Average, $7,000)

"Campus" and Show $8,600, Milwaukee

Milwaukee, Oct. 18.—Top money went to Fox's Palace, where Veloz and Yolanda on the stage and "Campus Confessions" on the screen collected $8,600.

"Room Service" and the "Broadway Musketeers" grossed $7,500 at the Warner, while "Juvenile Court" and the Chester Hale Girls were good for $5,800 at the Riverside.

Estimated takings for the week ending Oct. 13:

"Campus Confessions" (Para.)
PALACE—(2,400) (35c-50c) 7 days. Stage: Veloz & Yolanda. Gross: $8,600. (Average, $5,000)
"Juvenile Court" (Col.)
RIVERSIDE—(2,300) (25c-30c) 7 days. Stage: Chester Hale Girls and acts. Gross: $5,800. (Average, $5,000)
"Boys Town" (M-G-M)
"Speed to Burn" (20th-Fox)
STRAND—(1,400) (35c-50c) 7 days, 4th week. Gross: $4,000. (Average, $4,500)
"Too Hot to Handle" (M-G-M)
"The Chaser" (M-G-M)
WISCONSIN—(3,200) (35c-50c) 7 days, 2nd week. Gross: $8,000. (Average, $8,000)
"Room Service" (RKO)
"Broadway Musketeers" (W. B.)
WARNER—(2,400) (35c-50c) 7 days. Gross: $7,500. (Average, $5,000)

Auer Assigned "Orphans"

Hollywood, Oct. 18.—John H. Auer replaced Irving Pichel on the direction of "Orphans of the Street" at Republic today as a result of a disagreement with Herman Scholm, associate producer, on the story after three days of shooting.

Start Youngstown House

Youngstown, O., Oct. 18.—Construction has been started here on a $100,000 neighborhood house to be operated by the Foster Amusement Co.

"Certain Age" Philadelphia $17,000 Draw

Philadelphia, Oct. 18.—Ella Fitzgerald, the "tisket-tasket" girl, plus Chick Webb and a revue at the Earle, hiked business to a profitable $24,000. The picture was "Campus Confessions."

Abandoning its short-lived stage policy, the Fox went back to straight picture fare and found a winner in "That Certain Age," which clicked at $17,000 and rated a second week. "Stablemates" at the Stanley took $15,000.

Estimated takings for the week ending Oct. 14:

"Drums" (U. A.)
ALDINE—(1,300) (40c-55c-65c-75c) 7 days. Gross: $11,000. (Average, $8,160)
"Valley of the Giants" W. B.) (2nd run)
ARCADIA—(600) (25c-40c-55c) 4 days. Gross: $650. "Sign of the Cross" (revival) 3 days. Gross: $900. (Average, 7 days, $2,800)
"Marie Antoinette" (M-G-M)
BOYD—(2,400) (40c-55c-65c) 7 days, 3rd week. Gross: $12,000. (Average, $14,000)
"Campus Confessions" (Para.)
EARLE—(2,000) (25c-40c-55c) 6 days. Stage: Chick Webb and Ella Fitzgerald. Gross: $24,000. (Average, $14,000)
"That Certain Age" (Univ.)
FOX—(3,000) (40c-55c-65c-75c) 7 days. Gross: $17,000. (Average, $14,000)
"Too Hot to Handle" (M-G-M) (2nd run)
KARLTON—(1,000) (25c-40c-55c) 7 days. Gross: $3,500. (Average, $4,000)
"Hold That Co-ed" (20th-Fox) (2nd run)
KEITH'S—(2,000) (25c-40c-55c) 7 days. Gross: $3,100. (Average, $4,000)
"Stablemates" (M-G-M)
STANLEY—(3,700) (40c-55c-65c) 7 days. Gross: $15,000. (Average, $14,000)
"King of Alcatraz" (Para.)
STANTON—(1,700) (25c-40c-55c) 7 days. Gross: $4,000. (Average, $7,000)

"Boys Town" Gets $22,000, Buffalo

Buffalo, Oct. 18.—"Boys Town" turned out to be a sensation at the Buffalo. The $22,000 gross was nearly double normal for the house.

In the face of this competition "Four's a Crowd" and "Safety in Numbers" at the Hippodrome and "You Can't Take It With You" at the Lafayette were unusually strong.

The newly dedicated Civic Stadium was a competitor when Colgate and Duke drew 25,000 customers at their annual football match.

Estimated takings for the week ending Oct. 15:

"Boys Town" (M-G-M)
BUFFALO — (3,000) (30c-55c) 7 days. (Held over.) Gross: $22,000. (Average, $12,000)
"Algiers" (U.A.)
GREAT LAKES—(3,000) (30c-50c) 7 days. Gross: $8,000. (Average, $7,500)
"Four's a Crowd" (W.B.)
"Safety in Numbers" (20th-Fox)
HIPPODROME—(2,500) (25c-40c) 7 days. Gross: $7,300. (Average, $6,800)
"Touchdown Army" (Para.)
"Smashing the Rackets" (RKO)
CENTURY—(3,000) (25c) 7 days. Gross: $7,000. (Average, $6,000)
"You Can't Take It With You" (Col.)
LAFAYETTE — (3,300) (25c-35c-50c) 7 days. 2nd week. Held over. Gross: $16,000. (Average, $6,300)

RKO Changes Two Titles

Hollywood, Oct. 18.—RKO has changed two more titles. "Saints Without Wings" is the final title of "The Pure in Mind" and "Love Affair" is the new designation for "Love Match."

Hollywood Preview

"Inside Story"

(20th Century-Fox)

Hollywood, Oct. 18.—Third in the "Roving Reporters" series of 20th Century-Fox, "Inside Story" tells of the further adventures of "Barney Callahan," reporter, and "Snapper Doolan," newspaper photographer, played, respectively, by Michael Whalen and Chick Chandler. It is a story of big city newspaper life, adapted to screen fare as a crime melodrama.

The feminine lead, that of a girl caught in the meshes of a "clip joint" owner who desires her out of the way because she has witnessed a murder, is played by Jean Rogers, of whose screen possibilities the studio thinks much.

Others in the cast are Douglas Fowley, John King, Jane Darwell, June Gale, Spencer Charters, Theodore von Eltz, Cliff Clark, Charles D. Brown, Charles Lane, Jan Duggan, Louise Carter and Bert Roach.

Jerry Cady, former Los Angeles newspaperman, wrote the screenplay from a story by Ben Ames Williams. This marks Ricardo Cortez' first directorial effort. Howard Green was associate producer.

Exploitation angles can be derived from the story. Whalen, suddenly given a columnist assignment, writes in a drunken moment one offering an old fashioned Christmas holiday on a farm to "the loneliest girl in New York." The girl, found by the publisher, turns out to be a hostess in a "clip joint," and has sought the holiday in an effort to hide out. Whalen smooths everything out by discovering the body of the victim and nabbing the killer.

Running time, 60 minutes. "G." Vance King

"I Stand Accused"

(Republic)

Hollywood, Oct. 18.—A sound story and good acting which features Robert Cummings, Helen Mack, Thomas Beck, Lyle Talbot, Robert Middlemass, Gordon Jones and Leona Roberts are the elements establishing "I Stand Accused," a melodrama, as substantial entertainment. It has been brought to the screen by Producer-Director John H. Auer in a fashion that takes full advantage of Gordon Kahn's realistic screenplay. It held preview audience attention.

Cummings and Beck, law school graduates, go into partnership. The former aspires to quick money, but Kent will not defend clients whose guilt is obvious. After marrying Miss Mack, Cummings goes on to notoriety and fortune as the kid mouthpiece of a slot machine racketeer, Middlemass, and his trigger man, Talbot. Kent swings over to the district attorney's side. Cummings' connections with the racketeers implicate him in their crimes. Realizing the error of his ways after Talbot has killed Middlemass, Cummings furnishes Kent with evidence that will convict the killer. When the latter destroys this to save his old chum from complicity in the many crimes his clients have committed, Cummings takes the stand to give convicting oral testimony. Upon his regeneration, the partnership, as well as romance with his wife, Miss Mack, is resumed under happier auspices.

Running time, 60 minutes. "G." G. McC.

"Listen, Darling"

(M-G-M)

Hollywood, Oct. 18.—Done in the casual manner lately found effective for films of domestic appeal, "Listen, Darling" is a light and frequently laughable story about two youngsters who try to settle a widow's economic and emotional problems for her. Judy Garland and Freddie Bartholomew are the youngsters chiefly concerned, with nine-year-old Scotty Beckett furnishing a more forthright brand of humor. Mary Astor is the widow and Walter Pidgeon the man she marries after Alan Hale, the children's choice, fixes things for everybody.

The screenplay by Elaine Ryan and Anne Morrison Chapin from a story by Katherine Brush starts off with Miss Astor, Miss Garland's mother, on the verge of marrying the local (small town) banker for economic security. Bartholomew, Miss Garland's boy friend, traps the widow in a trailer and drives off to find a more suitable suitor. Pidgeon, another trailerite, turns out to be he. Amusing incidents occur meanwhile.

Miss Garland sings three songs, two of them new, "On the Bumpy Road to Love," already a radio favorite, and "Ten Pins In the Sky," quite likely to be one. Best comedy sequences are the one in which Bartholomew cross-examines Pidgeon as to the state of his fortune and life insurance and another in which Beckett learns that a skunk is not a striped beaver. The picture was produced by Jack Cummings and directed by Edwin L. Marin.

Running time, 70 minutes. "G." Roscoe Williams

"Boys Town" Tops Boston In 2nd Week

Boston, Oct. 18.—"Boys Town," with the "The Lady Objects," followed a record-breaking first week at Loew's State and Loew's Orpheum by leading the town with its second week at the sister houses. The bill drew $23,000 at the Orpheum and $15,000 at the State.

Another holdover, "Four Daughters" and "Campus Confessions," which went into the Paramount and Fenway after a Metropolitan booking, were runners-up for the week. The bill collected $9,000 at the Paramount and $5,000 at the Fenway.

Estimated takings for the week ending Oct. 15:

"Four Daughters" (W. B.)
"Campus Confessions" (Para.)
FENWAY—(1,382) (25c-30c-40c-55c) 7 days, 3rd week. Gross: $5,000. (Average, $4,500)
"Boys Town" (M-G-M)
"Lady Objects" (Col.)
LOEW'S ORPHEUM—(2,907) (25c-35c-40c-55c) 2nd week. Gross: $23,000. (Average, $12,000)
"Boys Town" (M-G-M)
"Lady Objects" (Col.)
LOEW'S STATE—(3,537) (25c-30c-40c-55c) 2nd week. Gross: $15,000. (Average, $11,000)
"Straight, Place and Show" (20th-Fox)
"Broadway Musketeers" (W. B.)
METROPOLITAN—(4,332) (25c-30c-40c-55c) 7 days. Gross: $12,000. (Average, $11,000)
"Four Daughters" (W. B.)
"Campus Confessions" (Para.)
PARAMOUNT—(2,097) (25c-30c-40c-55c) 7 days, 3rd week. Gross: $9,000. (Average, $8,000)
"Hold That Co-Ed" (20th-Fox)
"Breaking the Ice" (RKO)
RKO MEMORIAL—(2,709) (25c-40c-55c) 6 days. Gross: $11,000. (Average, $10,000)

"Too Hot" Takes Twin Cities' Top

Minneapolis, Oct. 18.—"Too Hot to Handle" at the State was the best draw with $11,000. It was held a second week.

"Boys Town," at the Century after a week at the State, grossed $7,200. It has been held for another week.

Estimated takings for the week ending Oct. 13:

Minneapolis:

"Boys Town" (M-G-M)
CENTURY—(1,600) (25c-40c) 7 days, 2nd week. Gross: $7,200. (Average, $4,000)
"Room Service" (RKO)
ORPHEUM—(2,900) (25c-40c) 7 days. Gross: $4,800. (Average, $4,800)
"Too Hot to Handle" (M-G-M)
STATE—(2,300) (25c-40c) 7 days. Gross: $11,000. (Average, $4,000)
"Return of the Scarlet Pimpernel" (U. A.)
WORLD—(400) (25c-55c) 7 days. Gross: $1,000. (Average, $1,600)

St. Paul:

"Room Service" (RKO)
ORPHEUM—(2,000) (25c-40c) 7 days. Gross: $2,300. (Average, $3,200)
"Boys Town" (M-G-M)
"Too Hot to Handle" (M-G-M)
PARAMOUNT—(2,500) (25c-40c) "Boys Town" 5 days of second week, "Hot" 2 days. Gross: $5,500. (Average, $4,400)
"Vacation from Love" (M-G-M)
RIVIERA—(1,000) (25c) 7 days. Gross: $1,600. (Average, $2,400)
"Touchdown Army" (Para.)
"Fugitives for a Night" (RKO)
TOWER—(1,000) (25c) 7 days. Gross: $2,100. (Average, $1,600)
"Club des Femmes"
WORLD—(400) (25c-35c) 7 days. Gross: $1,100. (Average, $1,600)

SMPE Session At Detroit to Start Oct. 31

Thirty technical papers, including several on television, will feature the annual fall convention of the Society of Motion Picture Engineers, at the Hotel Statler, Detroit, from Oct. 31 to Nov. 2. Sound recording and reproduction, studio lighting, theatre practice and other subjects will be treated. Dr. Herbert T. Kalmus, president of Technicolor, will talk on "Technicolor Adventures in Cinemaland."

Results of the election of officers for 1939 will be announced on the opening day. Nominees are E. A. Williford, president; N. Levinson, executive vice-president; A. S. Dickinson, financial vice-president; J. I. Crabtree, editorial vice-president; W. C. Kunzmann, convention vice-president; J. Frank, Jr., secretary; L. W. Davee, treasurer. Two governors will be elected from among M. C. Batsel, G. Friedl, Jr., A. N. Goldsmith and H. G. Tasker. The semi-annual banquet will take place on Tuesday evening, Nov. 1, when the S.M.P.E. Progress Medal and Journal Award will be presented.

"Submarine" to Be Shown to the Navy

"Submarine Patrol" is to be given two advance special showings by 20th Century-Fox, one at the National Press Club, Washington, Oct. 27, for officials of the Navy Department and newspaper correspondents, and the other at the Naval Academy at Annapolis on Oct. 30.

The Annapolis showing will be attended by New York trade paper representatives. Rear Admiral Wilson Brown, academy superintendent, and the faculty will be present with the 2,400 cadets. Marc Lachmann arranged the showings as part of the national exploitation campaign.

Named to MPTOA Board

S. S. Stephenson of Henderson, N. C., president of the North and South Carolina Theatre Owners Association, has been named to the national board of directors of the M.P.T.O.A. Stephenson replaces Charles W. Picquet, former president of the Carolina organization.

Quits Oklahoma House

Oklahoma City, Oct. 18.—F. O. Williams, manager of the Pix, operated by T. B. Noble, Jr., has resigned, succeeded by Bob Gallman, former manager of Coffeyville, Kan., and Tulsa, Okla., theatres for Southwestern Theatres, Inc.

Set Du Art Deal Today

Final details are to be set today on an agreement settling the technicians' strike at Du Art Film Laboratories.

Building in Colorado

Fox Intermountain will open the new Fox in Sterling, Col., Nov. 15. The house will seat 1,000 and cost $100,000. The circuit is closing the Rialto in the same town.

The Newsreel Parade

President Roosevelt's speech and the Sino-Japanese conflict are the chief items of interest in the new issues of the newsreels, out yesterday. Highlights of last Saturday's football games cover the sports situation.

The reels and their contents follow:

MOVIETONE NEWS—Roosevelt appeals for human needs. Japanese attack South China. New training ship for seamen. New York Gubernatorial battle. Fashion parade. Lew Lehr demonstrates new bathtub. Football games.

NEWS OF THE DAY—China prepares for Japanese attacks. New hair styles displayed at World's Fair. Young skating marvel challenges ice queens. Football games.

PARAMOUNT NEWS—London tries blimps as air raid defense. Spy suspects face Federal trial. World's largest telescope nears completion. Skating prodigy gives exhibition. Football games.

RKO PATHE NEWS—Roosevelt urges private charity. Nazi spy ring brought to trial. Navy destroyers reconditioned. Chicago doctor campaigns against cancer. English skater Hollywood bound. War Admiral and Sea Biscuit prepare for coming race. Football games.

UNIVERSAL NEWSREEL—Mechanized cavalry at Kansas. New York's tugboat strike. Czechoslovakia's new frontier. Horse swims Golden Gate. Training ship for seamen completed. Young skating prodigy amazes experts. Football games.

Coast Artists Give Certification Plea

Hollywood, Oct. 18.—William R. Ringer, N. L. R. B. trial examiner, today heard the petition of the Society of M. P. Artists and Illustrators for certification as the bargaining agency for illustrators, designers and mat makers.

Ringer heard Leslie Thomas, president, Clyde Scott, Al Weiss and Dorothy Williams. The producer attorney contention was lack of jurisdiction by the N. L. R. B.

The art directors' hearing is set for tomorrow, Screen Publicists' Guild for Thursday, and the Screen Cartoon Federation's petition for collective bargaining at the Walt Disney plant on Monday. Dr. Towne Nylander, regional N. L. R. B. director, today again postponed to Nov. 21 a conference to air charges by Jeff Kibre that the I. A. T. S. E. is a company union.

Board Rejects Bill For Marquee Signs

A bill to permit nine-foot signs to be placed flat against each face of a marquee has been rejected by the Board of Estimate and returned to the City Council with the recommendation that such signs be limited to licensed theatres only. The present law limits all marquee signs to two feet, the legal width of the marquee, but the law is not being enforced.

Although realty interests are fighting the measure, it is expected that the bill will be passed with the suggested amendment by the Council.

Mintz Acquires "Bomba"

Screen rights to the "Bomba" books have been purchased by Robert Mintz. The first production will be based on "Bomba, the Jungle Boy." Mintz will leave for Hollywood shortly to confer with his associate, Louis Weiss, on production plans.

Queen Will See "Suez"

London, Oct. 18.—Queen Mary will attend the premiere of "Suez" at the New Gallery Nov. 5, the proceeds to go to the Chelsea Women's Hospital.

To Open in Minneapolis

Minneapolis, Oct. 18.—Minnesota Amusement's new Gopher will open Oct. 28. Admission will be 25 cents at all times. Roy Slentz will be manager.

Disney Shorts Shown To Trade and Press

For more than an hour yesterday at the Astor Theatre, 1,200 or more circuit owners, independent exhibitors, buyers, bookers and reviewers including their relatives and friends attended the showing of eight new-season RKO-Disney shorts. There were plenty of chuckles.

The program started with "Donald's Lucky Day," an eight-minute subject scheduled for release Jan. 13, 1939. "Goofy and Wilbur," also eight minutes, which introduces Wilbur, the grasshopper, followed. Wilbur rereceived a warm reception. "A Farmyard Symphony" was third. This is a distinct novelty, with the animals contributing varied sounds to the sextet from "Lucia." It ought to go places.

The three little pigs are brought back in "The Practical Pig." Other subjects were "The Ugly Duckling," "Mother Goose Goes Hollywood," "The Brave Little Tailor" and "Ferdinand the Bull."

All of these have been reviewed in Motion Picture Daily. The release dates run from Oct. 14 on "The Farmyard Symphony" through April, next year.

Safier Names Lamb, Jackson as Managers

Los Angeles, Oct. 18.. — L. V. Lamb has been appointed Seattle manager for Grand National and G. E. Jackson manager in Portland succeeding Dell Brinn, who had managed both. The appointments were made by Morris Safier, western district manager, who arrived today from the east. He said G. N. will open a branch in Memphis, which formerly was served from Atlanta.

Manages Warner House

Pittsburgh, Oct. 18. — Warners have named Carl Bechdel manager of the new State in State College, Pa., where he was assistant at the Cathaum. His place will be filled by James Elliott, assistant at the local Plaza. Robert White, usher, gets Elliott's spot at the Plaza.

Green to Direct "Turf"

Hollywood, Oct. 18. — Alfred E. Green has been signed by Edward Small Productions to direct "King of the Turf," starring Adolphe Menjou and starting about Nov. 15. Green recently finished "Duke of West Point."

Way Not Yet Cleared for G.B., Odeon

By AUBREY FLANAGAN

London, Oct. 18.—Settlement of the action of John Maxwell of Associated British against the Ostrers in connection with the purchase of shares of Gaumont British by Maxwell doesn't fully clear the way for the anticipated merger of G.B. and the strong Odeon Circuit, headed by Oscar Deutsch. United Artists holds a substantial interest in Odeon. Whether G.B. can conclude a deal is something else, indeed. Both 20th Century-Fox and M-G-M must be consulted before it is closed, since both companies are part owners of G.B.

Judgment was given the Ostrers with costs today by Lord Justice Goddard, when it was declared in court that the plaintiff was not proceeding with the case. Valentine Holmes, acting for Maxwell, declared the case had been abandoned and asked judgment and costs for the defendants. Sir Patrick Hastings referred to the unfortunate publicity the case had received.

It is believed that the out-of-court settlement of the action was assisted materially by unofficial but diplomatic intervention by Board of Trade officials. Philip Hill of the financial house bearing his name also is understood to have played a part in bringing about the settlement. A likelihood is seen that the Charles Nordon Committee, which had pressed for an inquiry into G.B. affairs by the Board of Trade, may withdraw its pressure.

Consider Dropping Of Duals in Akron

Akron, Oct. 18. — Robert C. Menches, president of the Akron Independent Theatre Owners Association, at the suggestion of first run managers, is sounding out neighborhood operators on the possibility of dropping duals. All Akron and suburban houses now are running doubles. Menches said he will call the managers together soon to discuss the situation.

Pasternak Party Guest

Joe Pasternak was guest of honor at a reception in the Rainbow Room atop the RCA Building yesterday. It was the climax of a tour started recently as an advance campaign for Universal's "That Certain Age," which Pasternak produced. Recently he was entertained in Toronto by the Mayor and Government officials.

Yesterday about 200 newspaper and fan magazine writers greeted him, along with company officials. Pasternak will leave Wednesday for the coast.

C C N Y to Show Films

The Film and Sprocket Society of City College will present a series of documentary films on three alternate Friday evenings, beginning Nov. 4, at the Pauline Edwards Theatre. Among the films to be shown are "The Wave," "Nanook of the North," "Night Mail" and "The Spanish Earth."

US-Australian Contract Set On Television

A deal has been completed here between William H. Priess of the International Television Radio Corp. and John B. Chandler, radio operator of Brisbane, Australia, for the interchange and purchase of television transmission and receiving equipment, under the terms of which Chandler will spend $47,000 for importation of Preiss equipment into Australia.

International Television Corp. will construct and demonstrate as workable here a semi-portable television transmitter and 12 television receiving sets to be shipped to Australia. There Chandler will organize the International Television Radio Corp. of Australia, with a minimum capitalization of $250,000 for the commercialization of television in the Dominion. Forty per cent of the shares of Television Radio Corp. of Australia will be owned by the American company.

Chandler, it is understood, now has on deposit in a local bank $47,000 payable to International on completion of the television transmitter and receivers.

"Time" May Fade If Sponsor Not Found

"March of Time," currently broadcast under the sponsorship of Time, Inc., may fade from the air following Friday's broadcast unless another sponsor is obtained for the series.

Time's contract runs out as of this week and the company has already made known its intention not to continue sponsorship of the show beyond the present expiration date. Last year at this time the same emergency confronted the program, and just when it appeared that it would be allowed to lapse, the William Wrigley Co. bought the show.

Move Show to Chicago

"Road of Life," Procter & Gamble serial heard daily on CBS and NBC from New York, will move to Chicago next week. The show is being returned west because Irma Phillips, who writes the script, as well as several others heard on the networks, makes her headquarters in Chicago, and the sponsor now feels that writing and production should emanate from the same city for best results. A new cast will be assembled in Chicago, and from there, Carl Webster will have charge of production.

Chevrolet Series Ready

General Motors starts a two-week series of news broadcasts over WABC beginning Monday, and daily at 6 P. M., to announce the new Chevrolet. At the conclusion of the General Motors run, California Animal Products, Inc., will take over the series. Emil Brisacher & Staff is the agency for the latter account.

Schloss Now Space Buyer

O. M. Schloss of McCann-Erickson's radio department has a new job at the agency as space buyer of publication media.

▶ *Radio Personals* ◀

KEN ROBERTS and John Allan Wolf have been signed to do the announcing on the new Sophie Tucker show over CBS . . . Kay Thompson is doing a monthly column about rhythm choral singing for the *Orchestra World* . . . Ralph Edwards now is doing the "Spotlight" show on CBS in place of Charlie Stark, who gave it up because of commercials . . . Lew Danis, who works in P. & G. radio scripts, is appearing in a role in "Mulatto" at the Brooklyn Shubert . . . NBC artists bureau's recent engagements for clients includes Margaret Anglin for a date over Canadian Broadcasting Corp. facilities, a week for the Kidoodlers at Loew's State, Washington, and a date for Helen Henry to sing in Schenectady . . . Max Reinhardt will arrive in New York from Hollywood the first week in November to start casting "Merchant of Yonkers" . . . Aline McMahon, the screen player, will co-lead opposite Orson Welles in the CBS "Workshop" presentation "Air Raid" tomorrow night.

+

Ben Pollet of the Compton agency to North Carolina the end of this week to confer with a new account.

Heidt Band Dropped By Stewart-Warner

Horace Heidt's Brigadiers, for the past four years featured on the networks by the Stewart-Warner Alemite Corp., will be dropped by the sponsor as of the Dec. 25 program, when the current contract runs out.

Managers Leave Meet

NBC station managers are en route to their headquarters, following the semi-annual meeting. Those who attended include S. D. Gregory, KDKA, Pittsburgh; Kolin Hagen, WGY, Schenectady; Leslie Joy, KYW, Philadelphia; Carleton Smith, WMAL, Washington; Lee Wailes, assistant manager of owned and operated stations; A. L. Morton, manager of owned and operated stations; Vernon Pribble, WTAM, Cleveland; Bob Owen, KOA, Denver; Lloyd Yoder KPO-KGO, San Francisco; John Holman, WBZ-WBZA, Boston.

French Ad Agency Here

With American advertising agencies opening European offices, notably Blackett-Semple-Hummert, Lord & Thomas, J. Walter Thompson and others, a French agency has established an office here under the trade name of Advertising in France. Firm will handle all phases of advertising intended for French and other foreign markets, including radio commercials.

Union Radio Corp. Sued

Suit for $20,000 in legal fees against National Union Radio Corp. was filed yesterday by William L. Bowman in the U. S. District Court. Mr. Bowman claimed that on March 31, 1936, he had been retained to represent Union Radio in a $15,000,000 anti-trust suit against Radio Corp. of America, General Electric Co. and Westinghouse Electric & Manufacturing Co.

How to Speak

Washington, Oct. 18.—Neville Miller, president of the N. A. B., has prepared a booklet telling political candidates how to write and deliver a speech via the radio.

"You speak, not shout," cautions Miller, and suggests speakers "pick a purpose. Your audience wants to know what you're driving at and where you're going." Speakers also are told to keep their phraseology simple.

Rule Radio Sponsors Owe Security Taxes

WASHINGTON, Oct. 18.—Sponsors of radio programs are responsible for the Social Security taxes of artists appearing thereon, it was ruled today by the Internal Revenue Bureau in a decision settling a point which has long been in controversy.

The bureau held that while a program might actually be staged by an advertising agency, the sponsor exercises such power of selection and control over the services of the artists as to establish an employer-employe relationship. Under the ruling, broadcasters have no responsibility for Social Security taxes on the salaries of artists which they themselves do not actually pay.

Crosley Fighting Writ

Application will be made today to N. Y. Supreme Court Justice Lloyd Church by the Crosley Radio Corp. to vacate a warrant of attachment obtained by Zell Products Corp. on the ground that the plaintiff had failed to set forth sufficient facts to justify a writ. Suit is based on a claim of loss of profits of $5,444 for alleged breach on the part of Crosley Radio of a contract made on May 5, 1936, wherein Crosley was to deliver merchandise to the plaintiff.

Series Big Radio Draw

An average of 33 per cent of set owners heard each of the four recent World Series games, according to the Cooperative Analysis of Broadcasting, compilers of the Crosley Radio Reports. Sunday was the highlight day, when 38 per cent listened, Saturday 33 per cent listened, Wednesday was third with 32 per cent, while on Thursday the audience was only 30 per cent of set owners.

Two Seek Power Increase

WASHINGTON, Oct. 18.—Application for authority to increase its night power from 500 to 1,000 watts has been filed with the Federal Communications Commission by WALA, Mobile.

An increase in power from 500 watts night, 1,000 watts day, to 1,000 watts night, 5,000 watts day, has been filed by WSUI, Iowa City, Ia.

Republicans Take Time

Republican State Committee, in behalf of Edward Corsi and Senator Fred Bentecov has contracted for time over eight stations for campaign talks to be delivered Oct. 27 and Nov. 7, respectively. The stations lined up are WJZ, WSYR, WHAM, WABY, WEBR, WJTN, WMFF.

Banner LINES

WEEK or 10 days ago the trade learned through the grapevine that the sacrosanct Philharmonic broadcasts heard over CBS might be sold to a sponsor. The sound and fury engendered by the report still is bouncing off the walls of 485 M[illegible]son Avenue.

Well, if it will give anyone comfort or satisfaction to hear it, we for one believe that any wailing about that report is sheer nonsense. The cold, hard fact is that the Philharmonic is in bad financial shape, and if selling the broadcast rights to a sponsor is the one way of saving the orchestra, then by all means a sale not only is permissible, but should be sought. Of course we don't look for CBS to sell the orchestra to the first maker of a cold compound or a tummyache remedy that comes along with sufficient money. But we see nothing wrong in offering the orchestra to a commercial house whose product is of the right type. Certainly the Philadelphia Orchestra and the Detroit Symphony lost no prestige in being heard as programs of a chain of banks and the Ford Motor Co.

▼

The tugboat strike let Dave Driscoll and Cameron King of Mutual's special features division in for a strange assignment yesterday. The pair arose before dawn and, bearing recording equipment, went to the river front and made a platter describing the struggles of the Queen Mary to make port. At 9:45 A. M. their recording was broadcast over WOR, and at later hour over the Mutual network. Then it went over the British Broadcasting net from 5:10 to 5:14.

▼

"NBC Opens Hollywood Radio City without Ballyhoo," stated the headline in yesterday's press release from NBC. Followed then 11 pages of mimeographed publicity about the studio.

▼

What were those 11 gorgeous looking and gorgeously gowned John Powers models and escorts doing at the Toscanini premiere, and who paid for their appearance in the studio? Address all inquiries to John Royal, not us.

▼

Idea for the new CBS sustainer "Sing, Inc.," which had its first airing yesterday, was evolved at one of the bull sessions at the announcers' lodge at Lake Hopatcong the past summer. The boys were mulling about new program ideas, when Bert Parks gave birth to the "Sing, Inc." formula. It took him some months to sell the program department on the show, but finally he was set to put it on. Just before the program was to be put on he was assigned a commercial, resulting in John Allen Wolf getting Parks' own show.

▼

Al Jolson, Ruby Keeler, Al Jolson, Jr., Harry (Parkyakarkus) Einstein and Mrs. Einstein, Tiny Ruffner, E. Mead, and six writers—in short the whole Jolson program menage—arrive here Saturday by train from Hollywood to put the program on the air here for the next four weeks.

—JACK BANNER

Alert.
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

V 44. NO. 78 NEW YORK, THURSDAY, OCTOBER 20, 1938 TEN CENTS

Progress Is Reported in Trade Talks

MPTOA Resumes Today, Allied Tomorrow

Exhibitor and distributor trade practice negotiating committees reported progress toward an agreement on mutual trade problems following all-day discussions yesterday.

Allied States committeemen will resume their meeting with the distributors' committee tomorrow. A meeting of the national Allied board of directors had been scheduled earlier for today at Atlantic City, forcing the one-day suspension of negotiations.

M. P. T. O. A.'s national committee will continue its negotiating session today. That group met with Sidney R. Kent and Ned Depinet at the Union League Club, while Allied representatives met with William F. Rodgers, Gradwell L. Sears and A.

(*Continued on page* 4)

September Grosses Up, Tax Indicates

WASHINGTON, Oct. 19.—Improved theatre business throughout the country was indicated tonight by the Bureau of Internal Revenue in its monthly report showing that Federal admission tax collections in September regained the ground lost between July and August. The total was $1,668,827.

The September total, the highest for any month since last March, was

(*Continued on page* 4)

Plain Talk

The Bell Theatre in Brooklyn is running this trailer:

"Dear Patrons:

It is evident that the people of this neighborhood cannot afford to support a high class theatre. We therefore ask you to tell your friends that unless they patronize this theatre, we will be forced to turn it into a public market or a garage.

We thank you.

The Management."

Standstill Pact Is Discussed in Capital Parley

WASHINGTON, Oct. 19.—While confirmation was lacking, it is believed here that proposals concerning the maintenance of a status quo on affiliated theatre holdings were discussed by counsel for the five major companies at their second meeting with Department of Justice officials, held here today.

Following the conference, representatives of both sides maintained the non-communicative attitude which has consistently marked the negotiations and refused to make any statement regarding the discussions. It was admitted, however, that more conferences are in prospect.

Representing the Government were Thurman Arnold, Wendel Berge and Paul Williams. The companies were represented by Col. William J. Donovan, and William Mallard, RKO; Austin Keough, Paramount; Robert W. Perkins, Warners; J. Robert Rubin, Loew's; Ralph S. Harris and

(*Continued on page* 4)

A.F.R.A. Seeking Scale of $21-$41 for Radio Actors

Committee of the American Federation of Radio Artists, Equity organization representing radio artists, has submitted for consideration to the 4A's, advertising agency trade association, base pay rates for artists appearing in commercially sponsored network programs.

The rates are as follows: $15 for artists appearing in 15-minute programs, $25 for artists working in half-hour programs and $35 for appearances in full-hour shows, with additional pay of $6 for rehearsal periods. Thus, the minimum rate of pay will be $21, $31 and $41 for the 15-minute, 30-minute and 60-minute shows.

A. F. R. A. has been negotiating with the advertising agencies for some months to achieve a pact giving benefits to radio artists. A. F. R. A. has already completed a pact with the networks for artists working in sustaining, or non-commercial programs, covering employment of artists working in the key network cities, New York, Chicago and Los Angeles.

Artists who have heard reports of the pay standard submitted to the 4 A's by A. F. R. A. have already

(*Continued on page* 10)

SPITZ MAY RESIGN FROM RKO TODAY

In This Event Schaefer Takes Helm Tomorrow, Trustee Approving

It is possible that at today's meetings of the board of directors of Keith-Albee-Orpheum and RKO-Radio Pictures that Leo Spitz will resign from the presidency of these firms. He is finally attaining his desire to retire from active operation of RKO and return to his law practice, with his firm, Spitz & Adcock of Chicago, one of the biggest law firms in the middle west. This firm represents a number of the top circuits and film companies in the trade.

Also, it is expected that George J. Schaefer will be elected to succeed Spitz, as Spitz recommended, and as creditors also have urged.

This could mean that Schaefer might take the helm of RKO, immediately, but if not, he certainly will come into the firm on Monday.

Spitz, upon insistence of creditors and the trustee, has agreed to become special counsel to RKO, and remain in an active executive capacity until reorganization of the company has been completed to aid Schaefer.

After that Spitz is due to return to Chicago, but will continue to be

(*Continued on page* 4)

Sound Patent Test Case in Court Again

WASHINGTON, Oct. 19.—The Supreme Court today began hearing argument in the bitterly contested General Talking Pictures patent infringement suit, on which the court split last term, with the U. S. Government as an "added starter," with a brief submitted by the Department of Justice as a "friend of the court."

The case involves one of the major points in the Administration's drive against monopoly, the restriction by a patent owner of the use to be made of his patented article after it passes into the hands of a purchaser, in this instance, the use in talking picture equipment of amplifiers produced under patent owned by A. T. & T. and restricted to use for radio reception only.

"Although in form this is merely a suit between private parties," it was explained by the department, "it involves a question of great public im-

(*Continued on page* 2)

B & K Case Ruling Is Expected Today

CHICAGO, Oct. 19.—Hearing on the action of Chicago independents against major distributors and B. & K. was completed today with Judge Wilkerson advising he will rule on the granting of an injunction or dismissal tomorrow morning.

Attorneys for the distributors at today's hearing denied the independents' charges. Judge Wilkerson indicated that the case as outlined probably will be protracted when it comes to trial, unless the attorneys get together on certain points.

Silverstone to Talk At First Ampa Meet

Maurice Silverstone, chairman of United Artists' executive committee, is scheduled as the speaker at Ampa's first meeting of the season at the Astor next Thursday.

A poll of members indicates that they want a combination of entertainment and instructive speeches at the

(*Continued on page* 2)

To Confer Today On Musicians' Work

First discussions of the American Federation of Musicians' demands for increased employment of its members in affiliated theatres will begin this morning at the office of Pat Casey, producers' labor arbitrator.

Loew's, Paramount, RKO, 20th Century-Fox and Warners will send representatives to the meeting. The executive board of the Federation,

(*Continued on page* 4)

Seek Coordination On Copyright Laws

Recommendations for changes in the Federal copyright laws will be made to Congress by the Committee for Study of Copyright about mid-November. The committee will resume its work at a meeting this afternoon at Columbia University, the first to be held since July.

In the interim, representatives of all industries concerned with copyright

(*Continued on page* 4)

Purely Personal

LEROY G. PHELPS, cameraman and associate producer on "Dark Rapture," will start this week on a lecture tour of high schools. ARMAND DENIS and LEILA ROOSEVELT DENIS, producers of the film, will speak before the Gimbel Stamp Club Saturday.

•

MILTON POLLACK of the Warner home office contract department left last night for Cleveland to take over his new post in the exchange booking department there.

•

HERMAN FINKELSTEIN of Schwartz & Frohlich, Ascap counsel, plans a second trip to Washington this week, after returning from the capital yesterday.

•

WOLFE COHEN, Warner Canadian district manager, left for Toronto last night after a visit at the home office. He will return by way of St. John and Montreal.

•

EDWARD H. WOLK, manufacturer and distributor of theatre equipment, will leave soon on an airplane trip through Central and South America.

•

JEAN H. LENAUER, managing director of the Filmarte, will speak before Professor Thrasher's film class at New York University tonight.

•

JOHN MANHEIMER, executive secretary of the I. T. O. A., is attending the New Jersey Allied convention in Atlantic City.

•

ROY HAINES, Warner eastern Canadian sales manager, is back at his desk fully recovered from a recent illness.

•

SAM RIFKIN, salesman at the U. A. exchange, went to Atlantic City yesterday to attend the Allied sessions.

•

PHIL REISMAN, RKO foreign chief, has been playing golf with AMBASSADOR JOSEPH P. KENNEDY in London.

•

BETTY RUDOLPH of the U.A. exchange has shed 35 pounds by following a diet.

•

M. SCHWABER, owner of the Linden in Baltimore, is in town for a few days with MRS. SCHWABER.

•

GRADWELL L. SEARS, Warners sales chief, has put off his trip to the coast until after the trade practice sessions.

•

PETE HARRISON is back from California, where he had gone to recuperate from his recent operation.

•

BILLY BEIN, holder of the Trailer-Made franchise in Cincinnati, is stopping at the St. Moritz.

•

Y. FRANK FREEMAN, Paramount theatre head, returned from Chicago yesterday.

•

FRANK and VICKY WALKER will leave today by automobile for San Francisco.

•

CLARENCE EISEMAN of the U. A. Pittsburgh branch, recently appointed manager of the company's New York exchange, will arrive over the week-end to take up his new post.

•

TOM CONNORS, M-G-M division manager, has returned from a trip to the south and midwest.

•

MICHAEL RAYMOND, script writer, will be married Sunday to THERESA WEINGARTEN.

•

FRANK CAPRA is visiting in Washington.

•

JESSE L. LASKY is en route to the coast.

•

MRS. JIMMY FIDLER is in town.

Insiders' Outlook

HARD, cold figures are now brought to bear by the Einsteins of the Motion Pictures' Greatest Year campaign headquarters to prove that participation in the drive shows a profit for theatres. A chart has been compiled for the benefit of skeptical exhibitors.

Taking a 300-seat house as an example, the chart indicates that no matter what the theatre's admission price, if it draws a minimum of 20 patrons for each of the 25 films required as a minimum in the quiz contest, the theatre will show a substantial profit.

Thus, according to the analysis, if a 300-seat house charging 15 cents admission increases its normal attendance by 20 per film, or a total of 500 for the 25 pictures which have to be seen by contest participants, the additional take will be $75 against the $30 pledge. A 1,000-seat house would be assessed $100 as its pledge fee. To show a substantial profit it would need only 100 new patrons at the 15-cent admission price.

This is not, the committee points out, the total possible profit. The unit of 20 is taken as the basic minimum for argument's sake. The tabulation ranges to a high of 100 extra patrons participating and additional receipts of $875 for the contest period at theatres charging 35 cents admission.

These figures of possible returns do not include the cost of quiz booklets at $5.50 per 1,000 or other accessories.

The committee points out there is the added, if intangible, profit of enhanced community goodwill and the spotlight of publicity thrown on participating theatres.

▼ ▼

Samuel Goldwyn is more than a little bit interested in the new Robert E. Sherwood play, "Abe Lincoln in Illinois." In fact, he is interested enough to have considered a choice for the starring role in the event the rights to the play are acquired. And what do you think of Gary Cooper as the young Abe Lincoln?

Goldwyn's contemplation of the matter easily might create a publicity stir which would approximate that caused by the deliberations over filling the Rhett Butler role, or Scarlett O'Hara, herself, for that matter.

▼ ▼

M-G-M and George M. Cohan are near closing on a deal for production of a picture based on the latter's life. Cohan also would be one of the stars of the production. If the agreement is reached, as expected, M-G-M will send writers to Chicago, where Cohan will be during the next few weeks, to collaborate with him on the script. Cohan may also do several new songs which would be featured in the production with other famous tunes he has written.

▼ ▼

Douglas Fairbanks left New York for the coast the other day, thus ending the probability of the annual meeting of United Artists stockholders being advanced from Nov. 9. Samuel Goldwyn and Mary Pickford are still here. Goldwyn leaves for Hollywood today.

▼ ▼

Exhibitors are showing resentment over the Jimmy Fidler type of film comment. A blast is being prepared now by the I.T.O.A. of New York.

The I.T.O.A. will point to an analysis of the product Fidler advertises on the air, as made by one of those consumer papers. The I.T.O.A. intimates that were thousands of screens throughout the United States to display that consumer comment, Fidler would soon be ordered by his sponsors to "walk the straight and narrow."

▼ ▼

NBC, anxious to do all in its power for Arturo Toscanini, has turned one of its speakers' studios over to him as a dressing room.

Ben Goetz to Europe

With plans set for "Good-bye, Mr. Chips," M-G-M's next film on its British program, Ben Goetz, head of the company's production in England, sailed yesterday with Mrs. Goetz on the *Queen Mary*. Sam Wood, who will direct the film, is accompanying them.

Monogram-RKO in Deal

George W. Weeks, Monogram sales manager, has closed a deal with the RKO Circuit on the 1938-'39 lineup. Weeks has named Frank Schoonover to the sales staff in the Des Moines exchange, and Nathan Sodikman to the Buffalo staff.

Sound Patent Test Case in Court Again

(*Continued from page* 1)

portance, and the department is therefore filing a brief on behalf of the United States, asking that restrictions such as this be declared illegal, as not authorized by the patent law, and as inconsistent with the policy of the Federal anti-trust laws."

The brief pointed out that prior to the present case, the Supreme Court has never held that a patent owner may restrict the public to using his invention in a particular industrial field, and in a number of instances has struck down attempts to use patent privileges to accomplish similar unlawful restraints of trade.

In this case, it was pointed out, the court last May, with one justice dissenting and three justices not sitting, upheld the validity of the restriction and held the General Talking Pictures liable for infringement.

The court was scheduled also to hear argument in the case of Texas Consolidated Theatres vs. H. Pittman, involving the propriety of a decision rendered by the Circuit Court of Appeals in a damage suit, after the parties had reached a compromise and had filed a stipulation. By agreement among counsel, however, oral argument was waived and the case was submitted to the court for decision on the briefs which have been filed.

Silverstone to Talk At First Ampa Meet

(*Continued from page* 1)

bi-weekly meetings. Informative talks by industry leaders, advertising executives and others are planned.

The Ampa is lining up entertainment for next week and will have Ruth Texas of the Texas Nightingales and others. Permanent headquarters have been arranged at the Astor, with a meeting room off the grill open to members at all times. Luncheon meetings will be in the grill. It is planned to have other film organizations participate in this headquarters arrangement.

MOTION PICTURE
DAILY

(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS:—*Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address. Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

Shorts Still Being Forced Cohen Asserts

ATLANTIC CITY, Oct. 19.—Independent theatre owners are being forced to a[illegible]pt short subjects they don't want i[illegible]order to get features they want, Max Cohen, president of the Allied Theatre Owners of New York, charged here today.

Cohen, whose new organization holds its first annual convention tomorrow at the Ritz Carlton, addressed the 19th annual session of New Jersey Allied which opened today. He told of putting the complaint up to William F. Rodgers M-G-M sales manager, and being promised this company would not force shorts.

Before Cohen had finished speaking several exhibitors rose from the floor to charge that they have been forced to buy shorts from the company since the date of the promise.

Another abuse charged today was that some exhibitors are forced to buy as many as five newsreels in a week. Delegates declared this has been done in some cases even to theatres in small communities, which run only one or two shows a week.

Cohen criticized the current "Movie Quiz" contest, declaring it is unsuccessful because of the lack of public interest.

A meeting was planned today of the eastern regional directors of Allied States Association, but it was called off, because most of the directors are in New York for the trade practice conferences. It was uncertain tonight whether Nathan Yamins and Abram F. Myers will be here for their scheduled speeches tomorrow.

Equity Plans Sharp Action on Evasions

Drastic action against evasions of the actor-agent regulations will be taken by Actors Equity Association in the event an investigation now under way substantiates charges made by an agents' committee, Arthur Byron, Equity president, said yesterday.

A committee of agents complained to Equity of instances where Equity members had used unaccredited agents and had subscribed to rates other than those approved by the association. The charges are being investigated by two Equity committees, whose initial report was made yesterday.

Paul Gulick Resigns

Paul Gulick, coordinator of the Motion Pictures' Greatest Year campaign, will resign Nov. 1. He will return to Earl Newsom Co.

The staff is being reduced for the second half of the campaign, the committee feeling that the peak of the drive has been reached and the field organization fully established.

Al Selig, publicity man who handled field contacts, will return to the publicity staff on Monday. Sidney Davidson of that staff has resigned.

C.E.A. Ball Dec. 13

LONDON, Oct. 18.—The annual banquet and ball of the London and Home Counties C.E.A. will take place at the Savoy Hotel on Dec. 13.

Local "Quiz" Added

Los Angeles, Oct. 19.—The Paramount Theatre here has inaugurated a "Movie Quiz" of its own on Monday nights as an added attraction and to plug the industry's drive. The questions asked are the same type as those in the quiz booklet, but not the same questions. When the master of ceremonies awards the weekly prizes, he gives the audience a spiel that whets their appetites for the larger awards in the campaign quiz.

Empire Operators' Officers Reelected

All officers and members of the executive board of Empire State Motion Picture Operators' Union were reelected yesterday. The meeting also considered plans to intensify counter-picketing activities against theatres employing members of Local 306 in retaliation for pickets at Century Circuit houses.

Officers for the coming year are: Abraham Kindler, president; Benjamin S. Greenstein, vice-president; William Santarsiero, recording secretary; Leon Diamondstein, financial secretary and treasurer; Harry Fischman, business agent; Peter Elarde, sergeant-at-arms; Nick Pitta, chairman of the executive board; Charles Palowsky, Jack Millet, Alfred Schnall, Rubin Weissman, William Greenspan, Abraham Silverman, Ignatius Ricca and Michael Finkelstein, members of the executive board.

Lund Rites at 11 Today

Funeral services for Ralph Lund, who died Monday, will be held at 11 A.M. today at Campbell's Funeral Parlor.

Republic Plans No Spanish Films Now

Republic intends to concentrate any budget expansion in its domestic production and will not make any Spanish films for 1938-'39, says Morris Goodman, vice-president in charge of foreign sales.

Most companies this year are acquiring or sponsoring the production of Spanish pictures. Republic, however, does permit its South American distributors to take on Spanish pictures as long as this does not interfere with the distribution of Republic's program.

Goodman said that a number of foreign deals are being consummated, among them one with the Eastern Film Agency for the Straits Settlements, and Acme Films, Inc., for the Philippines. These will be renewed for a third year. With the exception of England and Australia, Republic's foreign deals are limited to one year.

Kallus Appeal Is Heard

An appeal in the breach of contract suit brought by Joseph L. Kallus against Fleischer Studios, Inc., was heard yesterday in the Appellate Division of the N. Y. Supreme Court. The plaintiff alleges that he negotiated a deal with King Features under which the Fleischer Studios obtained the right to use Popeye. Approximately $125,000 in commissions is sought. The defendant contends it is entitled to a detailed itemization of the alleged services and is appealing from an adverse decision which denied these particulars before trial.

"Rat" Showing Tonight

Warners' "Brother Rat" will be shown tonight before the faculty and students of Virginia Military Institute at Lexington, Va. Priscilla Lane will be there. The ceremonies will be broadcast over WABC.

B. & K. Product Deal with United Artists Hangs Fire

By BILL CROUCH

CHICAGO, Oct. 19.—Deal between B. & K. and United Artists for 1938-'39 product is still hanging fire. While it is expected that B. & K. will sign for the U. A. product, if it does not it is not unlikely that Essaness will make a special deal for the pictures.

A similar situation came about two years ago when B. & K. failed to come to terms and did not exhibit United Artists pictures. If an Essaness deal is made probably some exhibition arrangement will be worked out with the Oriental to use that house as the Loop showplace for these films.

▼

Emma Abplanalp, former Film Board secretary here, is in charge of the amusement division of the Community Chest Drive. Jack Kirsch and Clyde Eckhardt are chairman and sub-chairman, respectively.

▼

A special screening of "Young Dr. Kildare" is being arranged for local radio folk formerly associated with Truman Bradley, former CBS announcer here. Bradley makes his film debut in the picture and his friends are planning to get an advance look. Local radio news commentators and radio columnists also will be invited.

▼

Carl Phillips, Mt. Pulaski exhibitor, has taken over the Roanoke in Roanoke, Ill., from the Van Alstyn Bros.

▼

"Moonlight Sonata," booked into the World Playhouse, is expected to run there for at least two months. Ignace Paderewski is starred.

▼

If the Universal "horror dual" of "Frankenstein" and "Dracula" is as big as Universal sales heads expect at the B. & K. Garrick, where it will open Wednesday, the circuit will run the bill in the nearby Apollo simultaneously. The Garrick seats 900. Universal District Manager E. T. Gomersall is practically certain the Garrick will not be big enough. Last week, 34 Chicago houses ran "horror" films, using every available film with a title which sounded as though it would do.

Decision on Drive Extension Put Up To Field Workers

Regional chairmen of the Motion Pictures' Greatest Year campaign will decide by ballot whether the drive shall be extended beyond Dec. 31. The general committee will meet Oct. 25 to make a final decision.

The poll is being taken at the request of George J. Schaefer, executive chairman, as a result of varying opinion among leaders in the field on extending the campaign.

In a letter to regional chairmen, Harold B. Franklin, drive executive, points out that opposition has arisen in some areas to the suggested extension and says that no decision will be made until exhibitor opinion has been sounded.

"At the same time," Franklin said, "we must take cognizance of practical difficulties, should they arise, and of the considered opinion of the chairmen in the field, who are in the best position to estimate the situation in their territories."

File Suit Over Use Of Voices in "Snow"

Two suits seeking a total of $300,000 in damages were filed yesterday in the N. Y. Supreme Court against Walt Disney Productions, Ltd., and RCA Mfg. Co. by Adriana Caselotti and Harry Stockwell, the singers who supplied the voices for the songs and dialogue of Snow White and the Prince in "Snow White and the Seven Dwarfs." Both plaintiffs claimed they had contracts with Disney which provided that their songs and dialogue would be confined solely to the picture and would not be reproduced for sale in any other form. The defendants are charged with violation of the contract, with having separated the reproduction of the plaintiff's voices from the sound track of the picture for the recording of phonograph records.

Miss Caselotti asks for $200,000 and Stockwell for $100,000 damages, contending that several million records were sold.

File Principal Suit

Papers were served yesterday by Oliphant & Lerman, film attorneys, in a suit by Superior Talking Pictures, Inc., and Stage & Screen Productions, Inc., upon Sam Krellberg of Principal Film Exchanges, Inc., in an action brought in N. Y. Supreme Court.

The complaint alleges that Principal failed to properly account and report bookings and receipts of 12 pictures delivered to it by Superior and Stage & Screen. Appointment of a receiver and an injunction to retain release of the pictures are sought.

Associates Meet Nov. 3

Motion Picture Associates will hold another luncheon at the Astor on Nov. 3. Final plans for the annual charity ball and matters pertaining to the journal for the affair will be discussed.

English Cut Time Reel

LONDON, Oct. 19.—March of Time's reel on the recent European crisis has been cut for showing in London to 7½ minutes.

Leo Spitz May Leave as Head Of RKO Today

(*Continued from page* 1)

associated with RKO in a special capacity.

His law firm is one of the best known firms in the country. Under Spitz's guidance RKO is now in the black. Creditors and the trustee, as well as the rank and file, are known to regret his leaving the company.

Spitz, more than any other individual, is responsible for the harmony which now exists between the M. J. Meehan interests in RKO, a fact which has been of tremendous uplift and aid to RKO's theatre operations as well as company morale.

He has been one of the industry's outstanding leaders for many years, and he came into RKO, after a successful record in Paramount, where he paved the way for the company's rehabilitation and ultimate emergence from bankruptcy and receivership.

Spitz Following Desires

Spitz entered RKO upon the invitation of friends and creditors who asked him to take charge to assist them in straightening out the company. Now that he has accomplished this, he is retiring in accordance with his oft-expressed and unchanging expression of several years.

Schaefer comes to RKO as one who is preeminent in the trade and who has been a leader for a decade or more in the trade. He organized the present Motion Pictures' Greatest Year drive, and only recently resigned as general manager of distribution for the U. S. and Canada of United Artists.

Prior to this he was general manager of Paramount.

Federal Judge William Bondy, who has the proposed RKO plan of reorganization under consideration, has not yet had an opportunity to read any of the briefs submitted. Eight briefs were submitted before the deadline, with five opposing the plan and three favoring it. Ernest W. Stirn, holder of unconverted Class A stock, has obtained permission from Judge Bondy to submit a reply memorandum to the brief of Atlas Corp., proponents of the plan, and this is expected to delay final submission until the end of the week. A decision from Judge Bondy before the end of next week is regarded as a remote possibility.

Opposing Briefs Filed

The arguments of counsel follow the lines presented before Special Master George W. Alger and the hearing before Judge Bondy. Hamilton C. Rickaby, attorney for Atlas, pleaded for a quick disposition and Carlos Isreals, attorney for the unsecured creditors' committee joined in the plea. Sources close to Judge Bondy pointed out that he is now engaged in the criminal part of the court and any attempt to determine when he would find time to consider the briefs would be mere speculation.

Briefs opposing the plan were filed by Stirn, H. Cassell & Co., debenture holders, Copia Realty Corp., a contingent creditor and Abraham K. Weber, a stockholder.

Films and Papers

Birmingham, Oct. 19.—The *Atlanta Constitution* is in the business of transporting films in Georgia, Alabama and Tennessee. The paper began a few years back hauling a few films on its circulation routes as an accommodation. The business grew, however, and is now operated under the subsidiary name of Theatre Service Co. Branch service depots are operated in Birmingham, Chattanooga and other points.

To Confer Today On Musicians' Work

(*Continued from page* 1)

headed by Joseph N. Weber, will submit its request for increased employment opportunities for musicians in circuit theatres in accordance with instructions adopted at the September convention of the A. F. of M.

Weber, on his arrival in New York yesterday from Houston, said no specific proposals on reemployment have been prepared in advance. As a result, it is believed today's session will be exploratory in character and that subsequent meetings will be held to negotiate any definite proposals which may be made.

Weber said he is aiming specifically at returning musicians to work in from 2,000 to 3,000 motion picture houses, not now employing musicians, but which have seating capacity sufficiently large to warrant using an orchestra. He is not aiming at small houses, he said.

Discussing the stand of the musicians' union, Weber stated his records show that before the theatres were mechanized by the advent of sound, union musicians were drawing annually from film houses the sum of $62,000,000. At the last audit, he stated, the records disclosed an annual pay roll for musicians of less than $8,000,000.

Settle Columbia Suit

Suit of Valentine Davies against Columbia and Tom Van Dyck has been settled out of court, according to a stipulation filed yesterday in the U. S. District Court. The plaintiff had filed suit which asked for an injunction, accounting of profits and a judgment for damages and which charged the defendant with plagiarism of her play "The Fly from the Ointment," written in 1929, in the Columbia picture "Alibi for Murder."

Denies Theatre Receiver

N. Y. Supreme Court Justice Edgar A. Lauer yesterday denied an application of Robert Scalera for the appointment of a temporary receiver for the Village Theatre, film house at 189 Eighth Ave., New York. Scalera recently had brought suit as an alleged partner of Thomas Liccardo, the defendant.

"Army Girl" Republic

Through error "Army Girl" was referred to in Tuesday's MOTION PICTURE DAILY in the Chicago boxoffice report as a Monogram picture. It is a Republic picture.

Standstill Pact Is Discussed in Capital Parley

(*Continued from page* 1)

Richard P. Dwight, 20th Century-Fox, and B. F. Shipman of Mudge, Stern, Williams & Tucker.

Among proposals believed to have been discussed in connection with a theatre standstill agreement is one under which the companies would be authorized to acquire new theatres only in proportion to the number of houses which might be disposed of. Deals under this proposal, whether for sale or acquisition of theatres, would be entered into only for the purpose of protecting existing investments and would be submitted to the department for its information in advance.

Gem Theatre Opened By Morris Kutisker

Gem Theatre, formerly the Adelphi, Brooklyn, was reopened yesterday by Morris Kutisker, the new owner. Loew's has reopened the Hollywood, Avenue A. The Newbury Circuit has closed the Rialto, Belmar; the Grove, Point Pleasant; the Lorraine, Bayhead, and the Lavalette, Lavalette. All are in New Jersey and are operated during the summer season only.

The Orpheum, Second Ave., is now operated by the Second Ave. Holding Corp. Harry Harris is the principal. Kayarte Theatres, Inc., has taken over operation of the Belmont. Consolidated Amusement Enterprises, Inc., has organized the London Theatre, Inc., a subsidiary, to operate the Barclay, 23rd St.

September Grosses Up, Tax Indicates

(*Continued from page* 1)

$243,760 above the $1,425,063 collected in August, but was $53,600 under the September, 1937, receipts of $1,722,468, the bureau announced.

September was the sixth successive month in which collections ran under the corresponding period last year, with the result that receipts for the first three quarters of 1938, aggregating $14,059,465, were $415,350 under the $14,474,812 recorded for the corresponding period in 1937.

Guild Arbitration Postponed One Week

HOLLYWOOD, Oct. 19.—Presaging a lengthy arbitration session over the demand by independent producers for wage and hour concessions by the Screen Actors Guild in the new contract already signed by major companies, the three-man arbitration board today postponed until next Wednesday the start of the hearing.

The board acceded to the request for more time to prepare the case.

Order International Sale

HOLLYWOOD, Oct. 19.—The Federal Court today ordered sale of the assets of International Cinema, Inc., following the trustee's recommendation for dissolution of the company which several months ago started Section 77B reorganization proceedings. Sale is due Oct. 27.

Progress Is Reported in Trade Talks

(*Continued from page* 1)

Montague at the Columbia University Club.

The discussions with Allied touched upon the subjects of block booking, allocation changes, designated playdates, clearance and zoning and other topics. Those involved in the meetings declared that progress had been made at both sessions.

Ed Kuykendall, M. P. T. O. A. president, described his organization's meeting as "a comprehensive discussion, resulting in definite progress."

On the M. P. T. O. A. committee are Kuykendall, Lewen Pizor, Arthur Lockwood, Oscar Lam, H. V. Harvey, C. E. Williams and Ed Levy.

On the Allied committee are H. A. Cole, W. A. Steffes, Sidney Samuelson, Ray Branch, Nathan Yamins and Herman Blum.

Leon Rosenblatt and Julius Charnow were appointed alternates at an I. T. O. A. meeting yesterday to serve with Harry Brandt, Lou Brecher and Laurence Bolognino in negotiating with the distributors' trade practice committee on Monday.

Members expressed interest in experiments with vaudeville by RKO in neighborhood houses and said if the trial proves successful they may adopt this policy as a business booster. Among others, RKO has booked a stage show into the Savoy, Brooklyn, a Randforce property.

The organization endorsed the candidacy of Gov. Herbert H. Lehman, Senator Robert F. Wagner and Congressman Meade for Senator.

Seek Coordination On Copyright Laws

(*Continued from page* 1)

have exchanged written reports on their grievances against the present law and their suggested remedies. Today's meeting will be an attempt to coordinate these varying views into a unified program of recommendations for changes in the law to be made to Congress. The written reports which have been exchanged indicate that, as always, the manufacturing and minimum damage clauses of the copyright law are responsible for the widest divergence of opinion among the interested industries. In addition to motion pictures, these include, Ascap, music publishers, radio broadcasters and book and magazine publishers.

Art Directors' Plea Is Heard by N.L.R.B.

HOLLYWOOD, Oct. 19. — N. L. R. B. Trial Examiner William Ringer today heard the petition of the Society of Motion Picture Art Directors to be declared the collective bargaining agency for art directors, unit art directors and assistants at major studios.

Attorney Felix Cunningham introduced in evidence a membership list of the organization purporting to show majority of workers in these classifications belonged to the society. The only producer contention entered was general denial that the N.L.R.B. has jurisdiction over the film industry.

DAVID O. SELZNICK

presents his first picture of the new season . . a picture that will be as popular with audiences and as important to exhibitors this year as his productions of

"DAVID COPPERFIELD"

"PRISONER OF ZENDA"

and

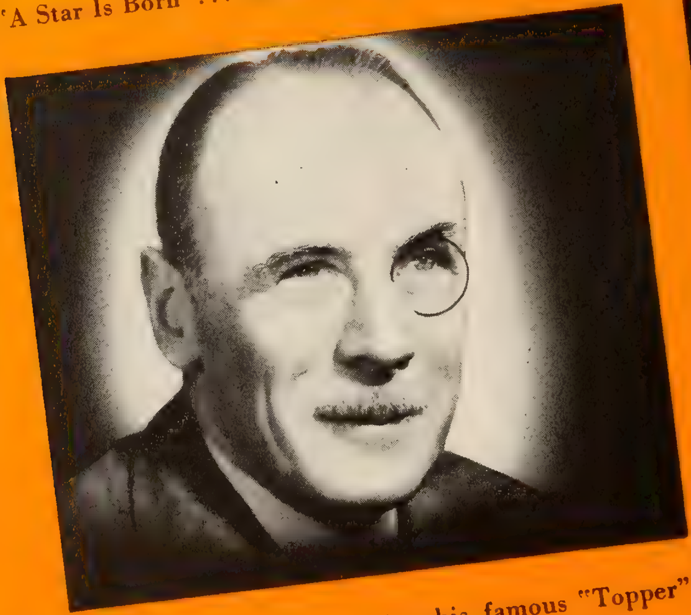
"A STAR IS BORN"

were in their seasons

4 GREAT FAVORITES

JANET GAYNOR . . . in her first Selznick role since "A Star Is Born" . . . and her best performance.

DOUGLAS FAIRBANKS, Jr. . . . adding new laurels to those he won in "The Prisoner of Zenda."



ROLAND YOUNG . . . topping his famous "Topper" as the fake Sahib!

BILLIE BURKE . . . incomparable as the mother of the "gay banditti"!

THE YOUNG

3 NEW PERSONALITIES

PAULETTE GODDARD . . . Charlie Chaplin's world-acclaimed find . . . in her first talking role!

RICHARD CARLSON . . . Broadway's acting sensation brings a new type of leading man to the screen!

MINNIE DUPREE . . . Beloved young-at-heart veteran of the American stage in her first screen appearance!

SELZNICK INTERNATIONAL
presents

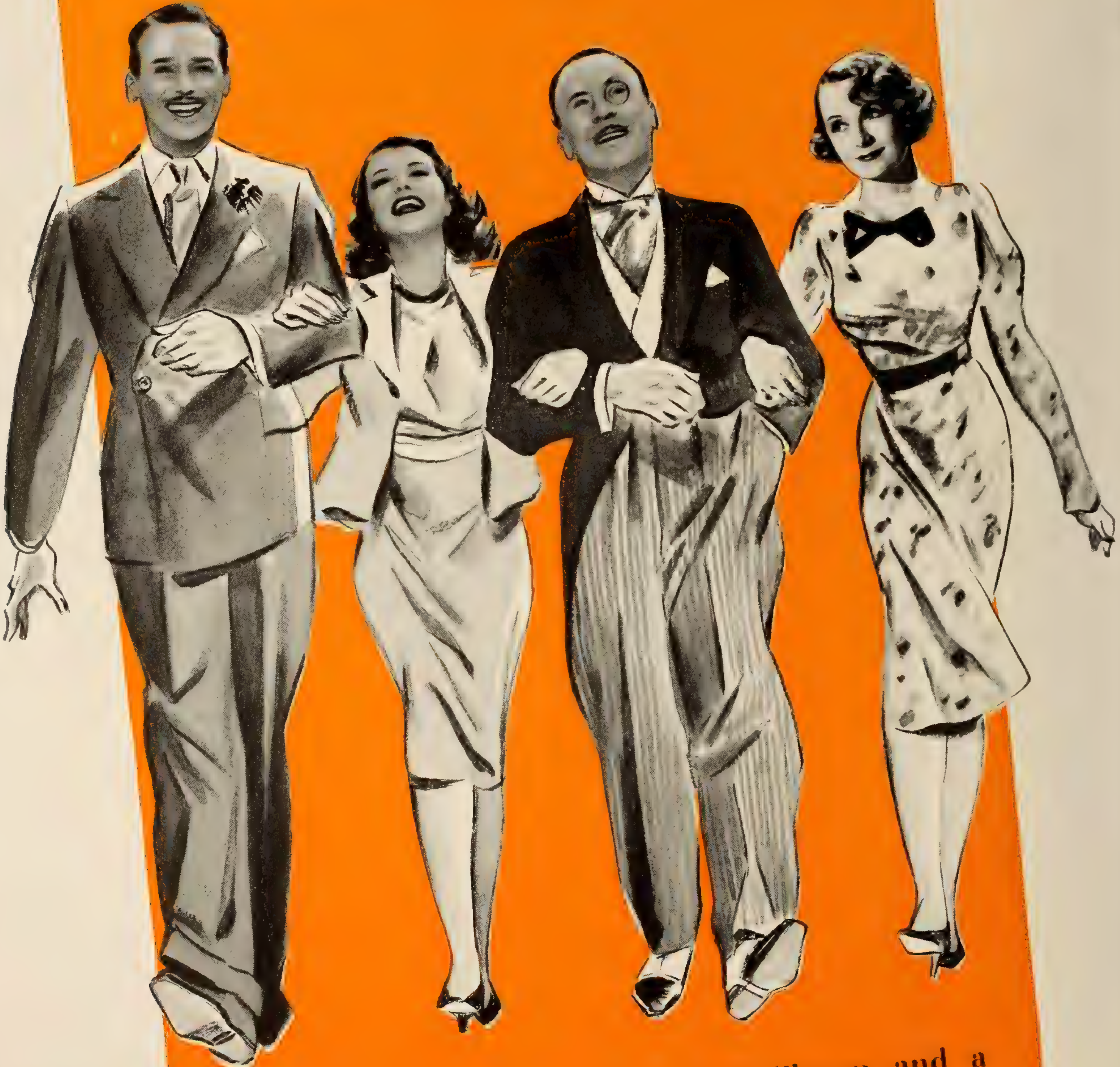
JANET GAYNOR
DOUGLAS FAIRBANKS JR.
PAULETTE GODDARD

IN HEART

with ROLAND YOUNG
BILLIE BURKE

HENRY STEPHENSON · introducing RICHARD CARLSON · directed by RICHARD WALLACE
Based on the Saturday Evening Post Serial, "THE GAY BANDITTI" by I. A. R. WYLIE
Produced by DAVID O. SELZNICK . . . . . ***and Released thru***
UNITED ARTISTS

here comes the Carleton Family



streamlined Ali Babas . . . exuding Charm and a touch of Larceny with every fortune-hunting Smile . . . happy-go-lucky Pirates with a Dress Suit nailed to their mast . . . **bonanza bound . . .**

Short Subjects

"Red Barry"

(Universal)

Buster Crabbe, as the detective "Red Barry," stars in this new 13-chapter serial based on the exploits of the popular King Feature comic strip hero. The first three chapters find the sleuth struggling against two foreign powers who seek possession of $2,000,000 in negotiable securities. The funds were sent to this country to purchase fighting planes for an Eastern power.

Based on the early installments, this promises to be an exciting and popular series. Scattered among encounters with lions, backstage and waterfront fights, are a number of entertaining variety acts. Running time, 20, 19 and 21 mins. for the first three episodes. "G."

"Major Difficulties"

(RKO)

This is one of the more laughable Leon Errol comedies in spite of its familiar story. Much of the merriment is in the lines, and for a finish there is a resounding shooting match that takes place in an art museum. Errol plays the ponies. His wife objects. He agrees to leave off, but succumbs again and is arrested. In order to get off lightly he impersonates an English explorer and is invited to a judge's home. There the major portion of the comic activity takes place before he is uncovered as an imposter. Running time, 18 mins. "G."

"The Eternal Fire"

(U. A.)

This first subject augurs well for the World Windows series. Remarkable camera work catches Mt. Vesuvius in eruption, the molten lava rolling down its sides and views of the crater's interior. The color enhances the scenes of the recovered city of Pompeii and the bay of Naples. A modern note is a peasant dance with the volcano as a backdrop. Narration is left to the imagination of the viewer, with the score adding to the effect. Running time, 10 mins. "G."

"Sally Swing"

(Fleischer-Paramount)

Swing music and fast dancing introduce Max Fleischer's latest cartoon character, Sally Swing. Betty Boop finds her scrubbing floors and transforms her into a swing band leader. The orchestration is tuneful and the dance animations lively. Running time, 7 mins. "G."

"Talent Auction"

(RKO)

Bobby Bernard, minus his dialect, plays at being an auctioneer. His salable materials include Irene Beasley, The Five Reillys, Paul Robinson, a harmonica player, and The Merry Macs. The acts perform in good style. It is diverting. Running time, 10 mins. "G."

"Busse Rhythm"

(Paramount)

Henry Busse leads his orchestra through four musical numbers with his trumpet and the result is a rhythmic and melodic interlude. Don Huston contributes a vocal arrangement of "Figaro." Running time, 10 mins. "G."

New York Preview

"Hard to Get"

(Warners)

Dick Powell, as a determined young gasoline station attendant with a burning desire to establish a chain of auto trailer camps, and Charles Winninger, as a big business man with a yen for playing practical jokes, keep the action stirring in a light story aimed for laughs. They get them. Olivia De Havilland carries the romantic interest.

After an argument with her father (Winninger) Miss De Havilland leaves the family menage in a maid's roadster and runs out of gas at Powell's filling station. She has no money and he makes her sweep out the tourist cabins in payment. Her desire for revenge takes the form of a tip on how Powell can get into her father's office to sell him the idea of backing the filling station project. Most of the rest of the action shows Powell being thrown out of various offices.

There's an exciting sequence on the girders of an unfinished building when Winninger pursues Powell up to the heights. Allen Jenkins and Melville Cooper, the former as Powell's pal and the latter as a valet companion, furnish plenty of the comedy.

The direction was by Ray Enright. Jerry Wald, Maurice Leo and Richard Macaulay did the screenplay from an original by Wally Klein and Joseph Shrank suggested by a Stephen Morehouse Avery story. Harry Warren and Johnny Mercer did the music and lyrics of two numbers sung by Powell.

Running time, 79 minutes. "G."

J. M. JERAULD

"Hectic Honeymoon"

(RKO)

The mistaken identity theme is taken on another merry whirl as the substance of this comedy. Here it concerns the marital difficulties of a father and son. They both marry and go off to Niagara Falls where, in attempting to inform each other, they run into all sorts of awkward situations. Eventually the tangle is unraveled. John Morley, Barbara Jo Allen and Fay McKenzie are featured. Running time, 17 mins. "G."

"Trans America"

(RKO)

Just what happens and what is to be seen on a transcontinental flight is capably documented in this short. The comforts of air travel and the scenery of the west are things that should keep an audience interested. The photography and treatment are in good style. Running time, 10 mins. "G."

"Raising Canines"

(Paramount)

Here is a story of the training of dogs from puppyhood that should prove popular with every dog lover. Carl Spitz, a well known dog trainer, illustrates the method of early training and finishes with the more complicated tricks. Running time, 10 mins. "G."

"Champion Airhoppers"

(Paramount)

A Grantland Rice Sportlight of the fast and exciting sport of motorless gliding and soaring. Technique of the sport is explained by Ted Husing and illustrated by shots of the gliders in action. The national soaring championship meet is included. Running time, 10 mins. "G."

"Unusual Occupations"

(Paramount)

Edgar Bergen and Charlie McCarthy are on view in this Cinecolor record of unusual employments. Bergen explains how Charlie was born and introduces Mortimer Snord, a brother of Charlie's. The only woman authorized to sign the president's name, a woman guide in the North Woods and an amateur fire fighter are also present. Bergen and McCarthy gives this short unusual drawing power. Running time, 11 mins. "G."

"Rube Goldberg's Travelgab"

(Paramount)

This is a hilarious travelogue through Manhattan with Rube Goldberg, the cartoonist, describing the sights. He takes the camera through New York back streets and with a caustic wit sees New York as visitors see it. Running time, 9 mins. "G."

"Too Hot" Omaha's Best Bet, $10,200

OMAHA, Oct. 19.—"Too Hot to Handle" and "Rich Man, Poor Girl" at the Omaha did all the first run business during the week, ending with a profitable $10,200. The bill was held two extra days.

"You Can't Take It With You" held up well in a second week at the Brandeis, grossing $5,200.

Estimated takings for the week ending Oct. 12-13:

"You Can't Take It With You" (Col.)
BRANDEIS—(1,200) (25c-35c-40c) 7 days, 2nd week. Gross: $5,200. (Average, $4,000)
"Too Hot to Handle" (M-G-M)
"Rich Man, Poor Girl" (M-G-M)
OMAHA—(2,200) (25c-40c) 7 days. Gross: $10,200. (Average, $5,500)
"Three Loves Has Nancy" (M-G-M)
"Little Miss Thoroughbred" (W. B.)
ORPHEUM—(3,000) (25c-40c) 7 days. Gross: $8,100. (Average, $7,200)

Two Firms Are Chartered

ALBANY, Oct. 19.—Two new amusement firms have been chartered here. They are Seashore Amusement Corp., bv Samuel Kantor, William Namenson and Ada Kaplan, and Sudan Theatrical Corp., by Ann Leitman, Bertha Bender and Eugene V. Weissman.

"Youth" Big $16,000 Take In Cleveland

CLEVELAND, Oct. 19.—"You Can't Take It With You," in a second week at Warners' Hippodrome, again led the town, this time with $13,800. The picture was moved to the Allen for a third downtown week.

"Youth Takes a Fling," at the RKO Palace with Duke Ellington and his band, was strong at $16,000.

Indian summer weather was blamed for the falling off of business generally.

Estimated takings for the week ending Oct. 14:

"The Gladiator" (Col.)
(3 days)
"The Lady Objects" (Col.)
(4 days)
ALLEN—(3,000) (30c-35c-42c) 7 days. Gross: $3.000. (Average, $4,000)
"You Can't Take It With You" (Col.)
WARNERS' HIPPODROME — (3,800) (30c-35c-42c) 7 days, 2nd week. Gross: $13,800. (Average, $12,000)
"Youth Takes a Fling" (Univ.)
RKO PALACE—(3,100) (30c-42c-55c) 7 days. Stage: Duke Ellington and his band. Gross: $16,000. (Average, $15,000)
"Stablemates" (M-G-M)
LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: $14,500. (Average, $15,000)
"Sing You Sinners" (Para.)
LOEW'S STILLMAN—(1,900) (30c-35c-42c) 7 days, 2nd week. Gross: $3,500. (Average, $5,000)

"Service" $6,000 For Indianapolis

INDIANAPOLIS, Oct. 19.—"You Can't Take it With You" did smash business of $12,000 at Loew's in a high-powered week for first runs here. It was held.

Also high in the money was "Mysterious Mr. Moto" on the screen and Ozzie Nelson and his orchestra on the stage at the Lyric, where $12,200 was taken. "Room Service," on a dual with "Smashing the Rackets," tallied a strong $6,000 for the Circle.

Estimated takings for the week ending Oct. 14:

"Sing You Sinners" (Para.)
"Campus Confessions" (Para.)
APOLLO—(1,100) (25c-40c) 7 days, 2nd week. Gross: $3,200. (Average, $3,000)
"Room Service" (RKO)
"Smashing the Rackets" (RKO)
CIRCLE—(2,800) (25c-40c) 7 days. Gross: $6,000. (Average, $4,500)
"You Can't Take It with You" (Col.)
LOEW'S—(2,800) (25c-40c) 7 days. Gross: $12,000. (Average, $7,000)
"Mysterious Mr. Moto" (20th-Fox)
LYRIC—(2,000) (25c-40c) 7 days. Stage: Ozzie Nelson and orchestra, with Harriet Hilliard and Benny Baker. Gross: $12,200. (Average, $8,000)

New Equipment Ready

HOLLYWOOD, Oct. 19.—The Academy Research Council shortly will issue a statement on the availability of a new type Standard Multi-Frequency Test Reel to be furnished to the theatre field by the council. The apparatus is for use in checking sound reproducing equipment.

Set Union Agreement

PITTSBURGH, Oct. 19.—Local theatre managers and the musicians union, Local 60, have finally come to terms on a new two-year contract. It is understood that the agreement is virtually the same as the two-year pact that expired Sept. 1.

CBS Abandons Store Deal on Philharmonic

The proposal to sell the Sunday broadcasts of the New York Philharmonic cooperatively to a chain of department stores, each store sponsoring the program in its own local area, is virtually cold. The plan has not died for lack of enthusiasm, for in the few days it has been around approximately 100 stores signified interest in the proposal. However, 100 sponsors still is short of the number needed to put the plan over the top, and because of lack of time to continue promotion to bring additional sponsors into the fold, CBS for this season has abandoned sales efforts.

However, it is learned that the Philharmonic still may be sold, not cooperatively, but to a single client, who has evidenced enough interest in the proposal to cause the CBS promotion department to go into double-quick action. In the event this client purchases the broadcasts, however, the Philharmonic concerts no longer will be heard as a Sunday afternoon feature, but will be shifted into an evening spot.

Tentative Hearing Schedule Arranged

WASHINGTON, Oct. 19.—The Federal Communications Commission has tentatively assigned a number of broadcasting applications for hearings, as follows:

Nov. 30: Applications of John F. Nolan for a 1,310-kilocycle, 100-watt daytime station at Steubenville, O.; Press-Union Publishing Co., for a 1,200-kilocycle station at Atlantic City, with 100 watts night, 250 watts day; KTOK, Oklahoma City, for increase of day power from 100 to 250 watts, and WAZL, Hazleton, Pa., for extension of time from sharing to unlimited.

Dec. 19: Application of KFJZ, Fort Worth, for change of frequency from 1,370 to 930 kilocycles and increase of power from 100 watts night, 250 watts day, to 500 watts.

Dec. 20: Application of Laredo Broadcasting Co., for a 630-kilocycle, 500-watt station at Laredo, Tex.

Feb. 27: Application of Winfield A. Schuster for a 1,200-kilocycle, 100-watt station at Worcester.

Two Join Goudis Show

Two more accounts will start on the C. Houston Goudis program over WHN today when the C. F. Mueller Co. and National Sugar Refining Co. are added to the list of sponsors. Another WHN contract is by the Republican State Committee of New York for four broadcasts by Thomas A. Dewey.

Renew Dorsey Program

Brown & Williamson Tobacco Co., sponsoring Tommy Dorsey's orchestra from 8 to 9 P. M. Wednesdays on the NBC-Red network, has been renewed for another year on the air, effective Nov. 9. Batten, Barton, Durstine & Osborn is the agency.

Radio Personals

TOM Fizdale's office has garnered the Paul Whiteman publicity account . . . Issue of *Stage* magazine coming up will have a Benny Goodman by-line story . . . Lester Grady, formerly editor of *Radio Stars* and now with the Fizdale organization, to Philadelphia on an assignment . . . Adam J. Young, Jr., formerly with the Kiesewetter agency, has joined Joseph H. McGillvra, radio station representative, and will serve as contact man for present and prospective spot advertisers . . . Phoebe Shuster, daughter of Ira Shuster, has joined WOR.

+

Larry Menkin, formerly of CBS and now free lancing, wrote the radio adaptation of "Brother Rat" that will be used on tonight's Kate Smith program. . . . Louise Campbell, Paramount player appearing in "Men with Wings," is in New York and will be interviewed on Sam Taylor's WHN program today. . . . John Herrick, baritone of the Revellers, will fly to New Orleans Oct. 22 to fulfill two concert engagements. He is to be the soloist at the opening concert of the New Orleans Symphony Oct. 25, and will give a concert at Southwestern Louisiana Institute at Lafayette Oct. 24.

+

San Francisco

Gordon Owen, sportcaster and account executive at KYA, has resigned to become commercial manager at KUTA, Salt Lake City . . . Lloyd Yoder, KPO-KGO manager, is in the east . . . Ernie Smith's "Sport Page of the Air," for three years a KYA nightly feature, is again sponsored by Roos Brothers, clothiers, who dropped the show temporarily at the start of the local department store strike . . . KSAN is broadcasting the College Inn "Wyoming Cowboys" seven nights a week . . . Dick Ellers, supervisor of announcers at KPO and KGO, home for a month due to illness . . . Sales Traffic Manager Henry Maas of NBC here transferred to Hollywood . . . Ray Lewis of National Transcription Recording Co., on two-month leave of absence, due to illness . . . Gordon Brown, former "Night Owl" on the KJBS shift from midnight to morning, has joined production staff of KSRO in Santa Rosa.

"Little Shaver" on Soon

"Little Shaver" is the title of a new WMCA program which will begin shortly. It will be heard three times a week from 4:45 to 5 P. M. Charles Motta, a film player, will be featured.

Networks Ready on Election Coverage

Plans for radio coverage of the forthcoming elections have been completed by the networks, CBS, NBC and Mutual, and the local stations.

In addition to giving reports on general election day returns as they effect gubernatorial, senatorial and local candidates, the networks will present talks by victorious candidates, and by the chairmen of the two major parties, James A. Farley and John D. Hamilton.

The networks and the independent stations will derive their tabulations, as on previous occasions, from Press Radio. All the networks, in the event the election is not decided before 1 A. M. closing time, will remain on the air until decisive reports are available.

World Names Wright Chicago Studio Head

Read Wright has been appointed resident manager of the Chicago studios of World Broadcasting System, succeeding A. J. Kendrick, who has been transferred to New York as general manager of the World Transcription System. Wright has been a member of World's sales staff for a number of years.

Additional personnel changes in the New York office include the appointment of Roy A. Holmes, formerly with NBC as traffic manager, to the same position with World, and the transfer of Herbert L. Jacobson from World's continuity department to advertising and publicity. He succeeds Leonard Lewis, who has been moved to the sales department.

Sue on Radio Legal Fees

Suit seeking $35,000 in legal fees was filed yesterday against Wholesale Radio Service, Inc., K. W. Radio Co., Inc., Europa Radio & Television Corp., Abraham Pletman, Gustave Kraus and Leonard C. Welling in N. Y. Supreme Court by Joseph Goldberg and Irving E. Kanner. In 1934, the plaintiffs said, they were retained to represent the defendants in connection with certain claims against Sonora Radio, S. A., and Myron Goldsall. The sum of $35,000 is asked as payment for the alleged services.

Quinn Is KYA Head

SAN FRANCISCO, Oct. 19.—Production manager Reiland Quinn has been named station manager of KYA, local Hearst station, supplanting Clarence Juneau. Quinn joined the station three years ago and has served as actor and producer.

Air Padlock Problem

Montreal, Oct. 19.—Quebec police are wondering whether, under the Anti-Communist padlock law, they can padlock a Federal Government radio station. Their troubles centered about a speech delivered over Canadian Broadcasting's CBM here last night by Fred Rose, Communist running in the Federal elections.

Premier Maurice Duplessis' Communist edict orders the padlocking of any building in the province used for Red activities and a high officer of the provincial force today asserted they would study the matter seriously. Rose's address was carefully supervised by CBC, with an announcer following the script to make sure there were no extemporaneous remarks.

Pay Scale for Radio Artists Is Submitted

(*Continued from page* 1)

expressed dissatisfaction with the terms now under consideration. [illegible]r dissatisfaction is caused, they state, by the fact that they now are receiving as much, and in instances more, from agencies, and this without benefit of A. F. R. A. They cite only one agency which currently pays a scale for commercial work under the sums A. F. R. now is trying to set.

There are artists who are known not to like the terms outlined above. They state as their belief that A. F. R. A. has been maneuvered into making its proposals, which they term mild, because of a fear that the agencies will shift a great many of their current script shows out of New York into other cities where A. F. R. A. is not a factor. They feel that A. F. R. A.'s fears are groundless, and say they will bring pressure to compel A. F. R. A. to revise the pay scale upward.

Sterling Shows to Be Heard on Coast

Three current network programs of Sterling Products Co., "Just Plain Bill," "John's Other Wife" and "Mrs. Wiggs of the Cabbage Patch," have been contracted for presentation on the west coast beginning in January. Heretofore the programs did not reach California.

Stations added for all three are KKYL, KPO, KFI, KGW, KOMO and KHQ. The agency handling the programs is Blackett-Sample-Hummert.

Tucker Show Not WABC

The American Tobacco Co. program which will feature Sophie Tucker on CBS Mondays, Wednesdays and Fridays from 6:45 to 7 P.M. starting Nov. 7, will not be carried in New York over WABC, Columbia's key station. Sixty stations out of New York will carry the show, placed by Lord & Thomas.

WMCA to Air Benefit

WMCA will broadcast the entertainment activity of the Hebrew National Orphan Asylum benefit which is scheduled for Nov. 1 at the Madison Square Garden. Two periods have been allotted to the affair. The first will be heard from 9:30 to 10 P. M. and the second from 11:30 P. M. to 1 A. M.

Plan Navy Day Exercises

WMCA will feature two programs revolving around the celebration of Navy Day. Admiral Woodward of the third Naval District will speak Oct. 21 and the Naval Communications Reserve will give a demonstration of the part radio plays in its work on Oct. 27.

Harlem Show for WNEW

WNEW, beginning Oct. 28, will broadcast "Tales From Harlem" sponsored by a group of Harlem merchants.

"Sisters" Off To Good Start On the Coast

Los Angeles, Oct. 19.—"The Sisters," on a dual with "The Road to R[illegible]" got off to a fast start at W[illegible]ers' Hollywood and Downtown. The gross at the former was $14,500 and at the latter $14,250.

"Drums" continued strong in its second week with $5,654 at the 4 Star and "You Can't Take It With You" stayed in the hit class in its third week at the Hillstreet and Pantages. The Hillstreet gross was $9,500 and the Pantages tally was $10,400.

Estimated takings for the week ending Oct. 19:

"Marie Antoinette" (M-G-M)
CHINESE—(2,500) (30c-75c) 7 days. Gross: $9,449. (Average, $12,500)

"Drums" (U.A.)
4 STAR—(900) (40c-55c) 7 days, 2nd week. Gross: $5,654. (Average, $3,250)

"You Can't Take It With You" (Col.)
HILLSTREET—(2,700) (30c-65c) 7 days, 3rd week. Gross: $9,500. (Average, $6,500)

"Marie Antoinette" (M-G-M)
LOEW'S STATE—(2,500) (30c-75c) 7 days. Gross: $13,051. (Average, $14,000)

"You Can't Take It With You" (Col.)
PANTAGES—(3,000) (30c-65c) 7 days, 3rd week. Gross: $10,400. (Average, $7,000)

"King of Alcatraz" (Para.)
PARAMOUNT—(3,595) (30c-65c), 7 days. Stage: Bill Robinson, F. & M. revue, Rube Wolf and his orchestra. Gross: $14,000. (Average, $18,000)

"The Sisters" (W.B.)
"The Road to Reno" (Univ.)
WARNER BROS. (HOLLYWOOD)—(3,000) (30c-65c) 7 days. Gross: $14,500. (Average, $14,000)

"The Sisters" (W.B.)
"The Road to Reno" (Univ.)
WARNER BROS. (DOWNTOWN)—(3,400) (30c-65c) 7 days. Gross: $14,250. (Average, $12,000)

Seek Trade Support For World Film Fair

London, Oct. 19.—Further efforts are being made by the promoters of the World Film Fair to recruit official trade support from the industry's various bodies. So far, however, no cooperative backing has been offered by any organization, although individual producers, distributors and exhibitors have verbally expressed their interest and sympathy.

Promoters have guaranteed £5,000 to the Cinematograph Benevolent Fund, and this is being used as bait to the industry's branches to obtain active participation.

An advisory committee has been formed including various producers, distributors and exhibitors, and an executive committee is to be chosen. Already trade opposition has been voiced against the plan on various grounds, notably against the revealing of studio secrets in a production studio to be staged in the exhibition, against the presentation of film premieres there and the general competition which would be offered to legitimate film enterprises.

Uses Vaudeville 3 Days

Denver, Oct. 19.—The Tabor, Fox downtown subsequent, has added five acts of vaudeville on Friday, Saturday and Sunday, with a single feature. The policy for the remainder of the week will remain double bill.

After the Jitterers

Omaha, Oct. 19.—Last year Manager Bill Miskell of the Orpheum added a full week's business to his year's report with 12 Saturday midnight Big Apple dance contests.

This year Miskell hopes to repeat with Jitterbug Jamborees. The shows will include a preview of the following week's attraction.

British Trade Faces Wave of Municipal Law

London, Oct. 19.—British exhibitors are in danger of being swamped by a wave of municipal interference during the approaching season. There are indications of municipal moves from all points of the compass, most of them designed to limit the exhibitors' freedom of operation. Not the least of the new moves is the maturing of the plan for a pool of municipal authorities in the London and Home Counties area, which would unify and consolidate municipal policies in regard to picture theatres.

Nine Councils Joining

Nine councils have now expressed their willingness to join the group, including London, Berkshire, Buckinghamshire, Essex, Hertfordshire, Kent, Middlesex, Oxfordshire and Surrey. It is probable that Croydon and Southbend will join.

Already indications point to a spread of the seat price regulation plan.

At Wrexham, where a move towards a follow up of the London scheme has been made, a subcommittee formed to investigate the matter has reported to the council. It is believed that an effort will be made to reach an agreement between the Town Council and the local exhibitors.

Now Croydon is following London and after a complaint at a recent licensing meeting of the Borough Council, the question of seat prices is to be considered by the licensing committee. As at Wrexham, the complaint is lodged against the increase of prices of certain seats on Saturday and Sunday.

Sunday Films Assured

Laurel, Miss., Oct. 19.—Sunday film shows were assured for Laurel as the Jones County Grand Jury, failing to return indictments for alleged illegal operations, in connection with Sunday operation.

Gene Ford a Father

Washington, Oct. 19.—Gene Ford, production manager for the Loew theatres here and in Baltimore, is the father of a 7½-pound daughter, Patricia.

Trailer-Made Deal Set

Trailer-Made, Inc., has closed a 10-year franchise for the Boston and New Haven territories with Ben Wilenski, who has formed Trailer-Made Service of New England, Inc.

THEY'RE ALL COMING
. . . . TO THE HAPPY
CONCLAVE OF SHOWMEN!

The VARIETY CLUB
(TENT NO. 1)

10th ANNUAL BANQUET

HOTEL WM. PENN
PITTSBURGH, PENNSYLVANIA

Presented under the "BIG TOP"
in honor of retiring Chief Barker

JOHN T. McGREEVEY

And His Retiring Associate Officers

Ira Cohn — George Tyson
Harold Lund — Steve Cox
James G. Balmer — Jules Lapidus
Harry Seed — Harry Harris
Jerry O'Neill — Dr. M. R. Goldman

GIGANTIC! COLOSSAL!

40 FEATURE ATTRACTIONS 40

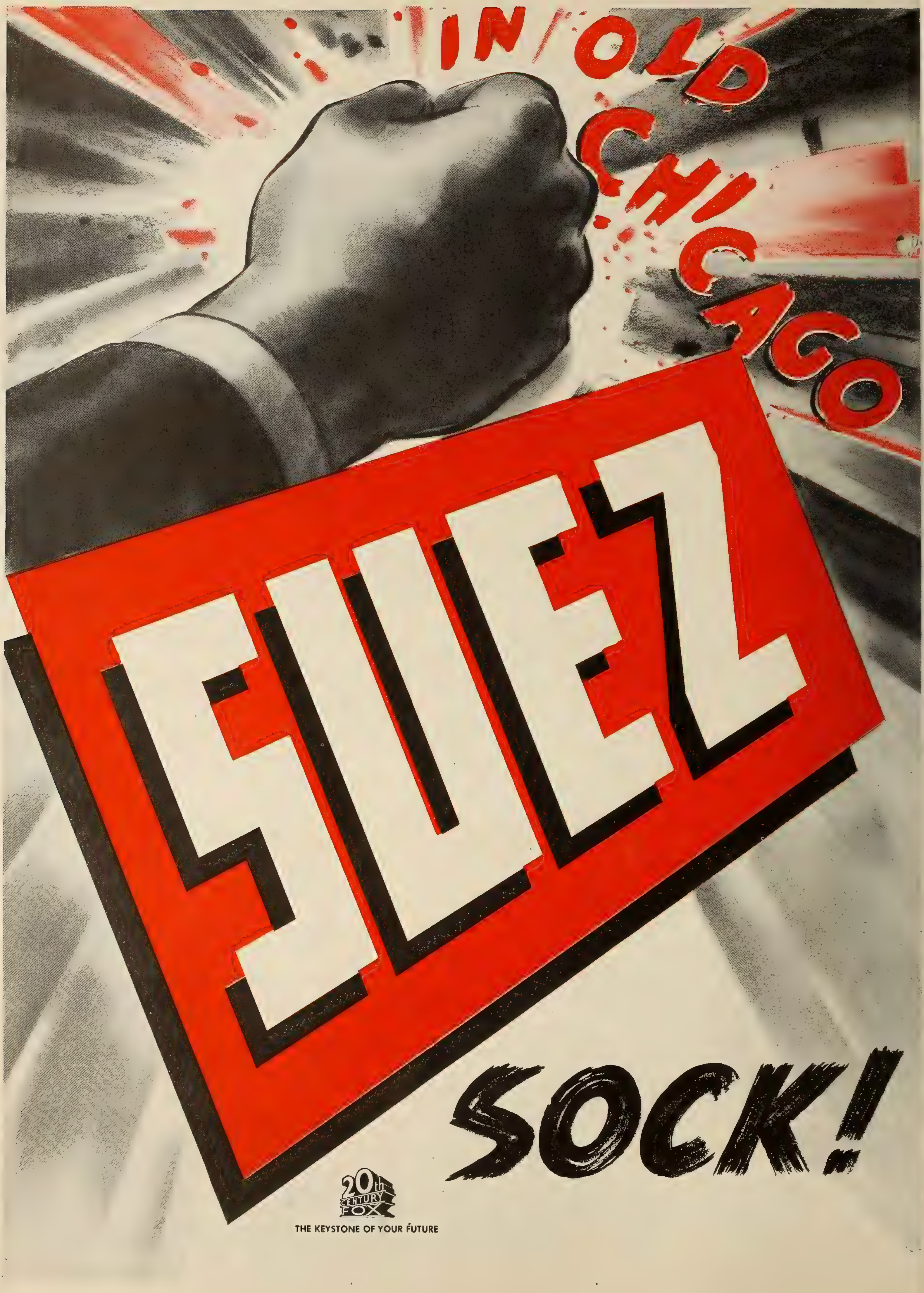
SUN. EVE. OCT. 30

YEAR'S GREATEST WEEK-END FOR EXECUTIVES OF
MOTION PICTURES' GREATEST YEAR

FOOTBALL . . . PITT. vs. FORDHAM
SATURDAY, OCTOBER 29th

If you desire reservations, write or wire
JOHN H. HARRIS, Banquet Chairman,
711 Clark Building, Pittsburgh, Pa.

VARIETY & VARIETY
COMBINED CIRCUS


IN OLD CHICAGO
SUEZ
SOCK!
20th CENTURY FOX
THE KEYSTONE OF YOUR FUTURE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

. 44. NO. 79 NEW YORK, FRIDAY, OCTOBER 21, 1938 TEN CENTS

Majors Confer On More Work For Musicians

Pat Casey and Big Eight Meet with Weber

Major companv heads exchanged views yesterday with the executive board of the American Federation of Musicians on the possibilities of increasing employment of musicians throughout the industry. After a three-hour discussion the meeting adjourned to convene again next week for consideration of specific proposals which will be fashioned in the interim.

Pat Casey, producers' labor arbitrator, presided at the meeting. Those attending were Nicholas M. Schenck, Loew's; Leo Spitz, RKO; Major Albert Warner, Warners; Nate J. Blumberg, Universal; Austin C. Keough, Paramount, and Eugene Picker, Columbia. Sidney R. Kent, 20th Century-Fox president, was unable to attend because of his presence

(*Continued on page* 5)

Balaban Says Drive Is Improving Trade

"The Motion Pictures' Greatest Year drive is leading the film industry into the biggest year in its history," Barney Balaban, president of Paramount, said today upon his arrival here with Stanton Griffis and Russell Holman for a series of conferences. The party was met at Pașadena by Adolph Zukor. Neil Agnew, sales head, came in today by plane. "Optimism throughout the nation already is reflected in a definite upswing in business," Balaban said, "and current motion picture industry drive is showing excellent returns in box-office receipts. Newspaper advertising has played no small part in the success of the campaign."

The quartet will remain a week or ten days.

David Loew May Be Producer at M-G-M

David L. Loew probably will be added to the M-G-M producer roster after a South American vacation which he will start early next month. He has been producing Joe E. Brown features, the last of which, "Flirting With Fate," will be released by M-G-M Dec. 2.

Radio on Page 6

Reels Lost in Crash

All newsreels lost films of Tuesday's events at the Eucharistic Congress in New Orleans when a plane bringing the reels crashed and burned near Montgomery, Ala., early Wednesday. The plane was due here that morning, and films were intended for yesterday's newsreel issues. However, other material was used that arrived by another plane.

Film Companies Want Particulars In Federal Case

Film companies in the pending anti-trust suit will apply to the U. S. District Court here next week for bills of particulars detailing the Government's allegations and citing specific instances of violations. By either granting or denying the applications for bills of particulars the Federal Court will designate the date by which answers to the Government's complaint must be filed.

If the applications are granted, the date of the filing of answers will be date of the filing of answers will be put off. At any rate, it is probable that the

(*Continued on page* 5)

B. & K. CLEARANCE MAY BE REDUCED

Italy Refuses To Modify Its Film Decree

ROME, Oct. 20.—Italy will not consent to a modification of the decree creating a Government controlled film distribution monopoly, it was indicated here today in official quarters. Full compliance with all provisions of the decree as published will be insisted upon on and after Dec. 31.

The official attitude toward American film interests which have been seeking modifications of the decree is one of "take it or leave it." All overtures toward a compromise are said to have been frowned upon by high Government officials. The American companies will be expected either to file their contracts with E.N.I.C., the Government controlled distribution monopoly, by Dec. 31 or withdraw from Italy, according to official indications.

New York offices have not been officially notified.

May Be Part of Plan to End Trust Suit; End Of Duals Refused

CHICAGO, Oct. 20.—Elimination of duals having been nixed by the powers that be, it is probable that adjustment of the prevailing clearance, to favor independents, may result from present discussions between Balaban & Katz and the majors, who are making a study of the situation in this territory.

A committee has been named for this purpose by the major companies. It comprises Gradwell L. Sears, general sales manager of Warners; Ned E. Depinet, distribution chief of RKO, and William C. Gehring, 20th Century-Fox.

This committee has had several conferences with the exhibitor principals involved in the suit and the probability that more will be held was increased yesterday as a result of the denial of the independent exhibitors' application for a temporary injunction

(*Continued on page* 2)

Spitz, Schaefer Action Up Today

Directors of Keith-Albee-Orpheum and RKO-Radio Pictures, postponed their action until today, on the resignation of Leo Spitz, and the election of George J. Schaefer to succeed him. There will be no meeting of RKO, the parent company. The plan appears to be that in the parent company, Schaefer will act as representative of the Irving Trust Co., trustee. This means that Schaefer will assume active charge forthwith. A statement on the resignation of Spitz is expected following these meetings.

This is at least the second time that such a statement and action have been delayed. In the first instance, it is understood Federal Judge William O. Bondy did not favor the type of statement which was to have been made. In the second, failure to obtain a quorum, plus the advisability of holding both board meetings consecutively is understood to have occasioned the delay.

Missouri Outlaws "Quiz"; Schaefer Makes Statement

ST. LOUIS, Oct. 20.—Missouri's attorney general, Roy McKittrick, today ruled that the "Movie Quiz" contest is a lottery in this state. The ruling caused amazement and consternation among exhibitors who knew that the contest had been approved by the Postoffice Department and by lawyers for those who conduct national contests both by radio and by mail.

The opinion was written at the request of Elbert L. Ford, Kennett, Mo., prosecuting attorney of Dunklin County, who said he considered the contest a lottery and had advised theatre owners in his county not to participate in it. Penalties for violation of the statute range up to five years imprisonment.

K. C. Men Seeking Advice

KANSAS CITY, Oct. 20.—News of Attorney General McKittrick's ruling that the "Movie Quiz" contest is a lottery came as a shock to local exhibitors.

Elmer C. Rhoden of Fox Midwest, chairman of the Motion Pictures' Greatest Year drive in this territory, has contacted national drive officials for advice on what to do—whether to fight the ruling in court or suspend the contest. In the meantime exhibitors are continuing the contest.

George J. Schaefer made this statement when informed of the Missouri ruling: "The 'Movie Quiz' contest was devised as an entertaining game in which millions of people could readily participate. It was purposely made not too difficult, though it is impossible to answer 30 questions without exercising real thought and careful discrimination.

"At every point the committee consulted with recognized contest authorities, companies which have conducted thousands of contests."

◂ Purely Personal ▸

Jack Bellman, Republic eastern district manager, is attending the New Jersey Allied convention in Atlantic City. From there he will go to Albany and will also visit Gloversville, Detroit and Buffalo before returning here in 10 days.

•

Joseph L. Stein, attorney for the Copyright Protection Bureau, was called to the family home in Portland, Me., by the death of his father, **Abraham Stein**. The former will return to New York this weekend.

•

Harry Cohn, Columbia president, left last night for the coast on the American Airlines' *Southerner* after home office conferences. **George White** also was a passenger.

•

Lyall Grant, New Zealand circuit executive, has completed conferences here and will sail Oct. 26 from Vancouver for his headquarters. He conferred here with **Capt. Harold Auten**.

•

Arthur Lee, vice-president of G.B., will return over the weekend from St. Catherine, Ont., where he attended the funeral of his father-in-law.

•

Ben Kalmenson, Warner western and southern sales manager, left yesterday for Chicago and St. Louis. He will be gone a week.

•

Stanley W. Hatch, Warner advertising accessories sales manager, is on a tour of the company's southern branches.

•

Edward A. Golden, vice-president of Monogram, will return today from a visit to the company's Oklahoma City branch.

•

Ann Gillis, 10-year-old Paramount player, is confined to her coast home with an attack of influenza.

•

Thornton Sargent's story, "Carving Cutlets," has been purchased by M-G-M for 1938-'39 production.

•

Patricia Ziegfeld left for Hollywood last night on the American Airlines' *Mercury*.

•

Harry Cohn left for the coast by plane last night after a week in New York.

•

W. Ray Johnston, president of Monogram, will return from the coast in about 10 days.

•

Joe Pollack is en route to Europe.

Para. Week in Frisco

Hollywood, Oct. 20.—Paramount studio has set "Paramount Week" in San Francisco, beginning today and running through Oct. 27. Five Paramount films are running or opening, "If I Were King," "The Arkansas Traveler," "Men With Wings," "Sing You Sinners" and "Touchdown Army."

Insiders' Outlook

COMERFORD Theatres in the Wilkes-Barre area are meeting the problem of the lack of newspapers caused by the Newspaper Guild strike by issuing a weekly called *Movie News*. The paper, a four-page affair, is on newsprint with pages 15½ inches long and 11½ inches wide. Weekly programs for 15 houses in Wilkes-Barre and vicinity are carried, and the paper is distributed from house to house as well as at the theatre. Cuts and news items enliven the first three pages and the last is devoted to programs.

▼ ▼

Hollywood strutted its stuff at the premiere of "Men With Wings" at the Westwood Village Theatre Wednesday night. Those present included: Adolph Zukor, David O. Selznick, Pandro Berman, Sonja Henie, Tyrone Power, Margaret Sullavan, Jack Benny and Mary Livingstone, Madeleine Carroll, Howard Hawks, Claudette Colbert, Henry Hathaway. Aviation was represented by Hugh Brewster, Civil Aeronautics Authority; Arthur Lavove, United Airlines; Carl Anderson, American Airlines; Don Black, TWA; Frank Clarke, Garland Lincoln, Tex Rankin, Al Lary, Paul Mantz, Howard Batt and Earl Gordon, fliers.

▼ ▼

Sammy Cohen, United Artists foreign tooter, has prepared a pamphlet showing that despite conditions in Europe, and during the recent war scare, U. A. films did okay, across the seas. "Marco Polo," "Blockade" and "Goldwyn Follies" broke records in Prague; "Drums" played eight weeks in Paris and "Tom Sawyer" enjoyed an extended run in Warsaw. Also, certain U. A. films ruled as prize winners at a Rome exhibit, and in London, Alexander Korda's latest picture, "Prison Without Bars," drew the attendance of the British War Minister, at the premiere.

▼ ▼

Effect of trailers on patronage may be gleaned from what is to be had from Oscar A. Doob, enlightened nabob of exploitation, advertising and publicity of Loew's. He reveals that the Motion Pictures' Greatest Year drive trailer, with Ed Thorgersen, Movietone sports commentator, giving a pep talk on the "Quiz," caused an increase in patron demand for the "Quiz" booklet over the Loew circuit, in some cases doubling the previous demand.

The drive committee has two other trailers in preparation. The next one will feature Lew Lehr holding forth in a humorous vein on the quiz contest.

▼ ▼

It is regarded as certain that Attorney Lawrence Green will become a member of the board of directors of reorganized RKO as the representative of the company's general creditors. All of the major factors represented in the general creditors' committee are in agreement on Green as their representative.

▼ ▼

Paramount will make a picture based on the theoretical invasion of North America by a foreign country. The picture will be called "Invasion," based on an original idea by Capt. William F. Cox, of the U. S. army chemical warfare service. Cox is at studio on leave of absence from service duty. Studio will place more than a dozen Paramount stars and almost all featured players in the cast.

Milwaukee Worried Films Are Overlong

Milwaukee, Oct. 20.—The Utilities and Health Committee of the Common Council has adopted Alderman Samuel Soref's resolution for the appointment of a committee of five citizens to investigate local film programs.

The committee would check on the effect long programs have on the health of adults and children and the probable effect crime and sex pictures have on children. The action is the result of agitation by the Parent-Teacher Association here. At that time Mayor Daniel W. Hoan turned the matter over to Dr. John P. Koehler, health commissioner, who in turn named a specialist to investigate. The report from this latter committee was that double feature programs do not endanger health.

Investigation Bares 61 Taxes in a Ticket

Cincinnati, Oct. 20.—Sixty-one direct and hidden taxes included in the price of the average film ticket take more than $197,500 annually from the 75,400 local theatre-going families, according to the National Consumers Tax Commission.

More than 16 per cent of the price of the average ticket is due to imposition of 41 Federal and 20 state and local tax levies, which conclusions are based on attendance figures compiled by the Bureau of Economics in the U. S. Department of Agriculture.

Du Art Pact Due Today

Signatures are due to be affixed today to an agreement settling the laboratory technicians' strike at Du Art Film Laboratories. Final details were approved by attorneys yesterday.

Cut in B. & K. Clearance May Stop Big Suit

(Continued from page 1)

against B. & K. and the distribu[illegible] pending trial of the anti-trust sui[illegible]

In denying the injunction, Federal Judge James Wilkerson pointed out weaknesses in the action which defense counsel construed as an indication that the complaint might not warrant a trial.

The defense is ready to discuss a friendly adjustment of the issues. The matter is up to the attorneys and the distributors' conciliation committee.

Judge Wilkerson based his denial of an injunction on the "doubt which exists as to the clear right to relief in this case, and the doubt as to the probability that the plaintiffs will prevail at the final hearing."

"That doubt," the court said, "is created by the abstract nature of the alleged threatened injury, as stated in the bill, and in the argument here. It is not charged that pecuniary damage is about to be inflicted on the plaintiffs, but it is said that they have a right to free competition and a free market with reference to the exhibition of these pictures."

Judge Wilkerson directed defense counsel to prepart an order in accordance with his findings by Nov. 19.

Business Slightly Off Along Broadway

Business along Broadway was slightly off yesterday while the temperature continued to soar. At the Roxy, "Suez" finished its first week with $62,500 and will be held over. "The Sisters" grossed excellently for its first week and will continue for two more with Horace Heidt's band on the stage. "Too Hot to Handle" finished its third week at the Capitol with $20,000 and made way yesterday for "Stablemates."

"The Mad Miss Manton" opened at the Music Hall yesterday after an $80,000 week for "There Goes My Heart." At the 55th St. Playhouse, "The Edge of the World" enters its seventh week tomorrow.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: Motion Picture Herald, Better Theatres, Teatro al Dia, International Motion Picture Almanac and Fame.

BUREAUS:—*Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager, *London:* 4 Golden Square, W. 1: cable address. Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

PLAYGIRL SOCIALITE DABBLES IN MURDER...AND FINDS ROMANCE!

The Mad Miss Manton
Throws Another Fit
Batty Group Again Involves
less Escapade

A million-dollar playgirl turns amateur detective . . . and digs up the murder of the year! . . . What mystery! . . . What excitement! . . . What fun . . . as your heart races to this super-speedy romance of a daring debutante and a handsome, heckling newshound!........ It's the kind of a picture that rates TOP ADVERTISING, because it's TOP ENTERTAINMENT and TOP BOX-OFFICE!

BARBARA
Stanwyck
HENRY
Fonda

THE *Mad* MISS MANTON

WITH
SAM LEVENE
FRANCES MERCER
STANLEY RIDGES
WHITNEY BOURNE

PANDRO S. BERMAN IN CHARGE OF PRODUCTION
DIRECTED BY LEIGH JASON
PRODUCED BY P. J. WOLFSON
Screen Play by Philip G. Epstein

RKO RADIO PICTURES

THIS IS ONE OF THE
MOVIE QUIZ
$250,000.00
CONTEST
PICTURES

Majors Confer On More Work For Musicians

(*Continued from page* 1)

on the distributors' trade practice negotiating committee which was in session with M.P.T.O.A. representatives yesterday. Harry D. Buckley, United Artists representative, also was unable to attend because of the press of other business. It is expected that all eight companies will be represented at next week's meeting.

Originally planned to include only the five companies having national circuit affiliations, the meeting was enlarged to include all eight major companies at the request of Joseph N. Weber, president of the A. F. of M., who held that field sales representatives of all companies might aid the Federation if instructed to urge the employment of musicians by theatres in the course of the usual contacts between the field sales forces and exhibitors.

Weber's view, it was stated, was not pressed as an actual means of solving the problem of musicians' employment, but did serve to illustrate that the discussions could become of sufficient general scope to interest more than the five theatre operating companies.

Reduced employment of musicians in theatres is made up in part by the new employment of musicians in production, since the advent of sound pictures. All companies employ musicians in their studios, where none might have been employed 10 years ago. Thus there has been some compensation for the reduction in employment of musicians by theatres.

Progress Reported On Trade Practices

Trade practice conferences between the M. P. T. O. A. and the distributors' negotiating committees were adjourned after an all-day session yesterday with further progress toward an agreement indicated. The next meeting is expected to be set today.

No statement on yesterday's conference was issued by William F. Rodgers, chairman and spokesman for the negotiating committees.

The Allied States negotiating committee will resume discussions today at the Columbia University Club with Rodgers, Gradwell L. Sears and A. Montague. The Allied committee was unable to meet yesterday because a majority of its members also are members of the national Allied board which met in Atlantic City during the day.

Indications are that the M. P. T. O. A. committee has carried its negotiations as far as it can until the distributors' committee completes its discussions with Allied, which it may do today. Thereafter a unified program will be drawn to meet as many of the requirements of both exhibitor committees as possible. This coordinated program, it is believed, may be ready early next week following a meeting on Monday with representatives of six regional exhibitor organizations which are not affiliated with either M. P. T. O. A. or Allied.

Final negotiations on the coordinated program might begin Tuesday.

*New York Previews**

"Men with Wings"

(*Paramount*)

William Wellman has gone a long way as a director since he turned out "Wings" as a silent spectacle of the air a number of years ago. In "Men With Wings" he provides a cavalcade of aviation from the first Wright brothers' flight at Kitty Hawk to the present day bombers, with magnificent aerial shots in Technicolor, but the story isn't simply a spectacle; it's a human record of dreaming and striving played close to the heart.

A woman caught in the hypnosis engendered by flight spends her life sacrificing her love, first for her father then her husband. This brings in the element of pathos throughout, but in the end the thrill of achievement makes it seem worthwhile. Women and men and boys will all like it. Exhibitors can shoot the works on it.

After the Kitty Hawk flight Walter Abel throws up his job as a newspaper man to design a plane of his own and loses his life in his first flight. Two boys take up where he leaves off. Their roles as grown men are played by Fred MacMurray and Ray Milland, and the girl who went up in their first experiment with a kite is played by Louise Campbell.

MacMurray goes to war and becomes a famous pilot who can never get back to a prosaic life on land. Miss Campbell follows him to France as an army telephone operator and marries him after the armistice. Some of the dog fights in the air over France are extraordinary both for their pictorial beauty and drama.

Milland stays at home as an airplane constructor for the army. He becomes an air mail pilot when mustered out. Later he and MacMurray team up in an airplane construction company, but in the end MacMurray succumbs to the intoxicating desire for more war flight and is killed in China.

A parade of planes passes through the story with spectacular flying punctuating the development of its more intimate phases. Even the start of Lindbergh's flight is presented.

Comedy relief is furnished by Andy Devine as a loyal airplane mechanic who sticks to Milland through everything.

Emphasis on the spectacular content of the film is probably best for exploitation purposes, but the word-of-mouth advertising will be done by the women who watch a woman devote her life to the man she loves in spite of his shortcomings, while another waits in the shadows to comfort her.

Running time, 105 minutes. "G." J. M. JERAULD

---

* *"G" designates general audience classification.*

Lexington Out En Masse to See Priscilla Lane, "Rat"

LEXINGTON, Va., Oct. 20.—Most of the able-bodied citizens in this section of Virginia for 200 miles around turned out tonight to see Priscilla Lane and the preview of "Brother Rat." The original idea was to put the show on in one theatre, but Warners had to use two—the State and Lyric.

Those who couldn't get in jammed the streets. It was a big night for Lexington.

"Brother Rat" is a story of Virginia Military Institute boys. Before the theatre showings, Miss Lane, Major General Charles Kilbourne, Academy superintendent; the V.M.I. orchestra, and the Glee Club broadcast over a 94-station hookup on Kate Smith's CBS program at 8 P. M. Wayne Morris and Johnny (Scat) Davis joined in from Cleveland where they are making personal appearances.

After the broadcast General Kilbourne, upper classmen, the school faculty, press dignitaries and others went to the State. The other three classes marched in uniform from the barracks to the Lyric.

After the screenings Miss Lane was honor guest at a reception in the school gymnasium where she tried to dance with 710 cadets before having supper with General and Mrs. Kilbourne. She will stay over until Friday to review the cadet corps and at-

No. Carolina Meet Nov. 4

CHARLOTTE, N. C., Oct. 20.—The Theatre Owners of North and South Carolina will hold its annual convention Nov. 4 and 5. The committee in charge includes: Roy Smart, F. H. Beddingfield, George W. Parr, E. L. Hearne, W. T. Culpepper and H. E. Wessinger.

Shift Midwest Managers

KANSAS CITY, Oct. 20.—Edd Haas, district manager for Fox Midwest, has shifted Gene Kincaid to manage the Mainstreet at Lexington, Mo., succeeding Virgil Hewitt. Joe Ruddick, assistant to Floyd Davis, manager for Fox at Marshall, Mo., goes to Springfield, as assistant to "Bob" Robertson, city manager.

End of Ostrer Suit Revives Maxwell Talk

LONDON, Oct. 20.—Settlement of the commission claim of Lawrence Howard, agent, against the Ostrers in connection with the sale of Metropolis & Bradford shares, revived rumors today that John Maxwell, head of the Associated British Pictures, has a five-year option to purchase control of Gaumont British.

Howard was awarded a judgment with costs in the action involving the sale of a majority block of shares of M. & B., holding company which owns two-thirds of G. B. Howard sought £50,000 claimed due, and his attorney said the shares concerned would control G. B.

Contract for the sale was discussed in August, 1936, and was signed by Maxwell in October, 1936. M. & B. has capital of 10,000 A voting shares at £1 each, the Ostrers holding 5,100 shares. There also are 1,000,000 B voting shares at eight shillings, three pence each, with the Ostrers holding 250,000 shares. The capital of Gaumont British Pictures Corp. is £2,500,000 in 5,000,000 10-shilling shares, with M. & B. holding 2,915,000.

Sir Patrick Hastings declared the Ostrers were always willing to pay Howard, the only question being how much he deserved.

Film Companies Want Particulars In Federal Case

(*Continued from page* 1)

answers cannot be ready until after Nov. 1, present date for filing.

It is understood that this procedure was under discussion at the second meeting between counsel for the companies and Department of Justice officials held in Washington, Wednesday. The procedure was made effective in Federal jurisprudence about a month ago. Formerly, an application for a bill of particulars could not be made until after an answer had been filed. Now such an application must be made prior to the filing of answers, if at all.

If the court grants the applications for bills of particulars the defendants' answers will not become due until the Department of Justice has complied with the order and furnished the defendants with particulars of its allegations.

Grant Para. 30-Day Stay on N.D. Appeal

A 30-day extension, to Nov. 22, of the time allowed Paramount for filing an appeal with the U. S. Supreme Court from the lower court decision upholding the constitutionality of the North Dakota affiliated theatre divorce law was granted yesterday by the Federal statutory court at Fargo, Simpson, Thacher & Bartlett, Paramount counsel, was advised.

Attorneys for the company made their application for additional time a week ago.

Television Is About Ready, Says Sarnoff

Television was the dominant topic at the annual fall meeting of the Radio Manufacturers' Association held at the Hotel Roosevelt yesterday. Salient developments were:

1. Statement by David Sarnoff, president of RCA, that television programs will be on the air for at least two hours regularly each day by the time the World's Fair opens.

2. A statement by the Radio Manufacturers' Association that it now recognizes the necessity of making television available to the public speedily so as to determine the economic reactions to the art.

3. Decisions by a majority of the 25 set manufacturers present to manufacture television receiving sets for public by this spring.

4. Adoption of a proposal to urge a speedy consideration of the R.M.A's television standards by the Federal Communications Commission.

The meeting also voted to nominate a committee to work with the National Association of Broadcasters, following a request for such action by Neville Miller, president of the N.A.B.

Sarnoff's statement that regular television service to the public was ready for introduction, proved to be the highlight of the meeting. He also repeated an announcement of some time ago that RCA is prepared to sell television transmitters to broadcasters wherever requested and that his company has started the manufacture of television receivers on a large scale on the theory that by spring the public would be asking for their purchase.

Thompson to Unite Two Offices in West

Los Angeles, Oct. 20.—The J. Walter Thompson agency will combine its Hollywood and Los Angeles offices in its own building, a new $250,000 structure opposite Hollywood Radio City, on Jan. 10. All operations here under the new setup will be unified under the direction of Danny Danker, vice-president in charge of the Hollywood office.

Coast radio programs handled by J. Walter Thompson from this sector include the Bing Crosby-Bob Burns program; the script serial, "One Man's Family"; the Chase & Sanborn Hour; Lux "Radio Theatre," and "Those We Love," another script series.

Funk Shifted to London

Paul V. Funk, formerly director of research for Erwin, Wasey & Co., has been transferred to London where he will direct the marketing and research activities of the agency's office in that country. The Chicago office of Erwin, Wasey has been appointed advertising counsel for Steele-Wedeles.

Ad Men Honor Francisco

Don Francisco, new president of Lord & Thomas, will be tendered a luncheon by the Advertising Club of New York on Thursday. WMCA will carry the broadcast of the proceedings at 1:15 P. M.

▸ *Radio Personals* ◂

A SHORT talk on television by Robert Harding, Jr., director of Television Training Corp. and president of National Television Corp., will describe the art in a talk on Mutual tomorrow at 1:30 P. M. . . . Billie Burke will make a guest appearance on the Bob Hope show Tuesday. . . . Alonzo Dean Cole now doing the "Gang Buster" dramatizations . . . Jimmie Lunceford switching from Decca recordings to Vocalians.

+

The hit tune from Paramount's "Thanks for the Memory," Bob Hope-Shirley Ross feature, will be introduced on the air tonight over "Hollywood Hotel" when Frances Langford and Jean Sablon sing it. . . . Hal Davis of the CBS press department has written his first tune, "Shades of Gray," turned out in collaboration with Walter Bishop. Roy Music Co. will publish.

+

A new magazine titled *Jam Sessions* is in the works. . . . Sonny Schuyler has replaced Bob Lawrence as vocalist with the Whiteman band. . . . Herbie Kay gets in Nov. 11 to do a week of playing at the General Motors auto show. . . . Peter Lorre has been signed for an appearance on the Eddie Cantor program next week. . . . Cantor, incidentally, will bring his troupe to New York for an appearance at the "Night of Stars" and to make a few broadcasts from the east. . . . Henriette Feldstein is the writer of the new WMCA serialization, "Little Shaver." . . . Hal Janis, Bert Lee and Hank Whittaker of the WMCA sports staff to Baltimore to cover the Navy-Princeton game.

+

Foster May, WOW newscaster, is the father of a baby girl . . . Bob Burt, KOIL's singing office boy, is back on the air . . . Arthur Faust, KOIL dramatic director, is on the coast . . . Gay Avery, WOW announcer, and Laura York of the station's program department, are engaged.

Stern Assigned to Arco Sport Program

Bill Stern has been assigned to do the forthcoming sports program for Arco Skate Co., which starts on WJZ Christmas Day.

In addition to the live show on WJZ, the sponsor will place transcribed versions of the program over a score of stations of CBS, NBC and Mutual.

Streibert a Father

Ted Streibert, vice-president and general manager of WOR and vice-president of the Mutual Broadcasting System, is the father of a boy born yesterday morning at the Brooklyn Hospital.

"Moonbeams" to WAAB

George Shackley's "Moonbeams," an early favorite just returned to WOR as a sustaining feature, has been sold commercially over WAAB, to the Gambarelli & Davitto Co. Sponsorship starts today.

Hearings Ordered On Station Pleas

Washington, Oct. 20.—Examiners' hearings have been ordered by the Federal Communications Commission on a number of broadcasting applications, including the new-station applications of James F. Hopkins, Inc., for a 1,400-kilocycle, 250-watt transmitter at Ann Arbor, and Sweetwater Radio, Inc., for a 1,210-kilocycle, 250-watt, day station at Sweetwater, Tex.

Other applications on which hearings are to be heard are those of WBAL, Baltimore, for increase of power from 10,000 to 50,000 watts and extension of time from sharing to unlimited; KTEM, Temple, Tex., for extension of time from day to unlimited with 100 watts night, 250 watts day; WDRC, Hartford, for increase of night power from 1,000 to 5,000 watts; WMFF, Plattsburgh, N. Y., for change of frequency from 1,310 to 1,240 kilocycles and increase of power from 100 watts night, 250 watts day, to 1,000 watts; WHA, Madison, for change of frequency from 940 to 670 kilocycles, extension of time from dav to unlimited and increase of power from 5,000 to 50,000 watts; WTHT, Hartford, for increase of day power from 100 to 250 watts, and WRR, Dallas, for increase of power from 500 to 1,000 watts.

The commission announced that it has received examiners' reports recommending the granting of applications of WEST, Easton, Pa., and WKBO, Harrisburg, Pa., for change of hours from sharing with each other to unlimited, and Pontiac Broadcasting Co. for an 1,100-kilocycle, 1,000-watt daytime station at Pontiac, Mich.

To grant the Pontiac application, Examiner John P. Bramhall recommended denial of an application of King-Trendle Broadcasting Corp. for a 1,440-kilocycle, 250-watt station in that city, and dismissal with prejudice of an application of George B. Storer for a Pontiac station on 600 kilocycles, with 250 watts power.

Reservations Coming In for MPTOA Meet

Oklahoma City, Oct. 20.—The Altec Service Corp. of Kansas City, has made reservations for five persons to attend the national convention of the M. P. T. O. A. here Oct. 30 through Nov. 2, according to Morris Loewenstein, convention chairman. They are L. W. Connor, S. W. Hand, W. E. Gregory, C. J. Zern and Obie Hunt.

Milton C. Moore, president of the Southeastern Theatre Owners Association of Florida, has wired in reservations to Loewenstein for 18 exhibitors from Florida.

S. S. Stevenson, president of the Theatre Owners of North and South Carolina, will represent his organization at the convention.

New Show Over WSAI

Cincinnati, Oct. 20. — "Football Highlights," a new commercial sponsored by Bavarian Brewing Co., Covington, Ky., has started on WSAI, Thursday, Friday and Saturday, 7:30 to 7:45 P. M. Red Barber and Dick Bray, WLW-WSAI sportscasters, are featured. Account placed by J. Ralph Corbett, to run during the football season.

Allied Goes Into Games Pro and Con

Atlantic City, Oct. 20.—Such games as Bingo, Bank Night and the like were hotly debated here today.

Allied Theatre Owners of New York, holding its first annual convention at the Ritz Carlton, discusse[illegible] question and heard a report from H. G. Kosch, counsel.

Allied Theatre Owners of New Jersey, in its 19th annual convention in the same hotel, went on record against the games. President Irving Dollinger said it was by a divided vote, and followed what he described as "a complete and thorough discussion," the sounds of which penetrated strikingly through the locked doors of the meeting room.

Kosch reported to New York Allied on the drive in his city by the Society for Prevention of Crime, and on its pending test case to outlaw the games as lotteries.

The New York group postponed its election, scheduled for today, until a later meeting in New York, whose date has not been decided.

The New Jersey exhibitors reelected Dollinger as president. George Gold and Ralph Wilkins were chosen vice-president, and Jacob Unger and David Snaper were reelected secretary and treasurer.

Broadway Tax Take Gains in September

Washington, Oct. 20.—Federal admission tax collections in the Third New York (Broadway) district, which dropped from $681,445 in July to $282,513 in August, turned upward in September to reach $377,360, it was reported today by the Bureau of Internal Revenue.

The month's collections, however, the report stated, were $65,000 under the $442,546 received in September, 1937.

Improvement in box-office collections accounted for more than the net gain in total receipts, increasing from $243,909 in August to $337,366 in September, approximately $70,000 under the September, 1937, figure of $407,698.

The only other items to show improvements were collections on free or reduced rate admissions, which jumped from $324 to $4,117, and on tickets sold by proprietors in excess of the established price, which increased from $36 to $3,145. Collections on tickets sold by brokers dropped from $3,970 in August to $2,483 the following month, while receipts from permanent use or lease of boxes and seats dropped from $342 to $55, and admissions to roof gardens and cabarets from $33,931 to $30,193.

Poll Conn. MPTO on Convention Topics

New Haven, Oct. 20.—Connecticut M. P. T. O. members are being canvassed by mail for recommendations to be presented at the M.P.T.O.A. convention in Oklahoma City Oct. 31-Nov. 2 and all recommendations will be formally presented at a meeting next Tuesday at the Hofbrau Haus Restaurant. Irving C. Jacocks, Jr., president, will preside.

DO NOT REMOVE

Alert.
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE
DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

V[illegible]. 44. NO. 80 NEW YORK, MONDAY, OCTOBER 24, 1938 TEN CENTS

Wages-Hours Fog Settles On Industry

What's Inter and What's Intrastate—a Puzzle

HOLLYWOOD, Oct. 23.—Studio attorneys in a four-hour session Friday studied the application of the wage-hour law to 620 classifications of workers in production and decided on a direct appeal to Administrator Elmer F. Andrews for clarification. Studios will attempt to abide by the law as nearly as possible pending a ruling.

Lacking specific definitions of the application of the new Federal Wages and Hours law in this industry, film and theatre companies face the problem of complying with the law which went into effect today without any clear conception of the extent to which they are affected.

All that appears definite is that employes engaged in interstate phases of the industry, if they are in nonprofessional classifications, and earning less than the specified minimum or working more than a 44-hour week, will be affected by the law. Who these employes are and how many of them there are, few compa-

(*Continued on page* 6)

Photographers Union Opposes ASC Claims

HOLLYWOOD, Oct. 23.—Photographers' Local 659, I. A. T. S. E., in a judisdictional dispute with the American Society of Cinematographers, has filed a petition with the N. L. R. B. for designation as collective bargaining agency for all engaged in photographic work at studios and in allied businesses. The dispute dates back to 1933 when A. S. C., during an I. A. T. S. E. strike, obtained a 10-year contract which required all first cameramen on major studio lots to be

(*Continued on page* 2)

Selznick Arrives in New York for a Day

David O. Selznick arrived in New York this morning from the coast. Douglas Fairbanks, Jr., was on the same train. Selznick brought with him a print of "The Young in Heart," which will open at the Music Hall soon.

It is understood he is in New York for only one day and plans to leave here tomorrow.

Films Better, Says President's Wife

Chicago, Oct. 23. — Mrs. Franklin D. Roosevelt told *Motion Picture Daily* here Friday that films have shown great improvement during the past year and are continuing to do so.

"At the White House we find them excellent entertainment and relaxation," she said. She expressed the belief that the current film drive is an excellent way of informing people what the screen has to offer.

St. Louis Houses To Ignore Lottery Ruling Until Test

ST. LOUIS, Oct. 23.—After 24 hours' consideration and discussion of last week's ruling by the office of Attorney-General Roy McKittrick that the "Movie Quiz" contest is a lottery, local operators, including first and second run houses, announced no immediate suspension of the contest would be made because of the ruling.

Harold Evens, manager of Loew's State, as spokesman for all, said it was the consensus that pending a court decision sustaining the Attorney General, his pronouncement would be ignored.

It is expected that trailers will be put on the screens advising the theatregoing public of this decision.

SCHAEFER TAKES RKO HELM TODAY

Lasky-RKO Radio Deal for Wrigley Series Is Closed

Jesse L. Lasky's much-discussed radio-film tieup, the first of its kind, was approved by the RKO board last Friday. The new program will supplant the current Wrigley series, "The Laugh Liner," on CBS Sundays from 6:30 to 7 P.M., it is expected.

Lasky, showman with an experience dating back to the heyday of vaudeville and the man who is credited with developing more talent for films than any who has come to the front in the industry, has been working on the new radio idea for months. It is intended to work three ways—as an outstanding exploitation tieup for RKO, as a publicity medium for the company's star talent and developer of new talent, and as a business-builder for Wrigley. Ralph Kohn is associated with Lasky in the deal.

Signing of the agreement was one of the last official acts of Leo Spitz as RKO president.

Format of the program will be as previously indicated here, with new players featured in dramatic plays supported by "name" RKO players. A board of judges will select the most promising team at the conclusion of the 13-week cycle, whereupon the

(*Continued on page* 2)

Spitz Leaves Presidency To Rejoin Law Firm, Spitz & Adcock

Leo Spitz today turns over his office of president of RKO formally to George J. Schaefer. Spitz resigned the offices and board memberships he held in the various RKO companies on Friday, in accordance with expectations, at meetings of the boards of those companies. The directors thereupon elected George J. Schaefer as his successor.

Schaefer now is president and a member of the board of RKO Radio Pictures, Inc., Keith-Albee-Orpheum Corp., B. F. Keith Corp. and RKO Pathe News, Inc. He is also chairman of KAO and B. F. Keith. Schaefer will act as representative of the Irving Trust Co., RKO trustee, in Radio-Keith-Orpheum, parent company of the aforementioned subsidiaries, upon its reorganization under 77B, and confirmation of a plan which is now pending before Federal Judge William Bondy.

It was a day of farewells at RKO

(*Continued on page* 6)

Damage Clause Is Copyright Hurdle

Efforts to coordinate suggestions for changes in the Federal Copyright laws which were made during the summer by members of the Committee for Study of Copyright were begun with the resumption of the committee's meetings at Columbia University.

As anticipated, the sharpest differences of opinion of the representatives of the industries concerned with copyright laws was confined to the minimum damage and manufacturing clauses. The committee will meet

(*Continued on page* 6)

Educational Holders' Meet Off to Nov. 15

Annual meeting of stockholders of Educational Pictures, scheduled for Friday, was adjourned to Nov. 15 because insufficient proxies were on hand for the meeting. Company directors will be elected at the November session.

Educational and its subsidiary, Grand National, will consolidate their offices about Nov. 15 in the new Associated Press Building in Rockefeller Center. Earle W. Hammons, president, is expected back from London Nov. 3.

News Building Four Towers For Radio Experimentation

New York *Daily News* is constructing four new radio towers on the roof of the News Building for "experimental purposes." The spokesman for the *News* would say nothing beyond that.

The engineer in charge of the construction was equally uncommunicative. However, it was said by others at the *News* that the towers were being installed to insure good short-wave reception from Europe. Several New York newspapers, notably the *Times* and *Herald-Tribune*, have been utilizing similar radio towers. During the European crisis the *Times* and *Herald-Tribune* found the towers valuable adjuncts, especially when communication lines out of Prague were closed by the Czechoslovakian Government. With the regular avenues of communication shut the correspondents in Prague for the *Times* and *Herald-Tribune* were able to reach their papers here via coded short-wave broadcasts.

It is generally known that Col. Patterson, publisher of the *News*, long has been a champion of radio, and he has been heard to express a desire to some day enter the broadcasting field. The *News'* companion paper, the *Chicago Tribune*, operates WGN, one of the most successful in the radio field.

Additional developments in radio are found on page 8.

Purely Personal

EDMUND GRAINGER, Universal producer, arrives from the coast today for his first vacation here in five years. His latest production, "Service De Luxe," opened at the Rivoli Saturday.

•

Charles Boulton of Belle Plains, Kan., winner of second prize in Floyd Gibbons' "Your True Adventures" contest conducted by Warners, will arrive at Newark Airport today for a two-day visit here.

•

Nilo Menendez, Cuban composer, has been signed by Ramos Cobian to arrange music for 20th Century-Fox Spanish productions. He will leave today for the coast.

•

Clarence J. Schneider, foreign publicity director of Columbia, was married to Dina Alevy on Friday at the Spanish Portuguese Synagogue.

•

Sidney Kaufman of the M-G-M publicity staff will lecture at C. C. N. Y. tonight and will illustrate his talk with various films.

•

F. J. A. McCarthy, eastern sales manager for Universal, will return today from a two-week sales trip through his territory.

•

Roland Young, who is on an eastern vacation, came back from New England for a New York stay over the weekend.

•

Morris Woolf, son of C. M. Woolf of London and associated with Universal, is en route to the coast for a visit to the studio.

•

Herman G. Weinberg, publicity man at World Pictures, has been elected to the Authors' League of America.

•

Joseph Mitchell, formerly feature writer with the *World-Telegram*, has joined the editorial staff of *The New Yorker*.

•

A. W. Smith has been having a grand time in Paris, according to postcards received by friends here.

•

Vyvyan Donner, fashion director for Movietone News, will return today from a Bermuda vacation.

•

Don Alexander, Jr., assistant sales manager of Alexander Film Co., is spending some time here.

•

Mel Albert, film attorney, returned over the weekend from a business trip.

•

Sidney Chaplin sailed for Europe Saturday on the *Conte Di Savoia.*

•

Eddie Carrier, M-G-M traveling exploitation representative, is in town.

•

Joseph Seidelman, Universal foreign chief, flew to the coast Saturday.

•

Joseph M. Schenck may return to the coast tomorrow.

Insiders' Outlook

GEORGE J. SCHAEFER is emphatic about the value and importance of advertising for films when he says that although fundamentally it is good quality pictures which attract trade, the million-dollar drive of the MPGY made an unquestioned contribution towards improving the country's box-office, by attracting additional customers.

▼ ▼

Heartwarming is the news that Jesse Lasky's long negotiations to place his radio program on the air has finally borne fruit. For weary months on end Lasky and Ralph Kohn went from the office of one sponsor to another, one agency to another, one network to another, in an effort to get his idea purchased. On many of those occasions it appeared that a deal was to be made, but always something cropped up to kill the deal. Lasky proved as hard to keep down as a New Dealer in a Democratic stampede, and now the Wrigley Co. and the RKO studios have signed to place his program on the air.

Odd angle is that the program is to appear on CBS, whereas RKO and NBC are affiliates of RCA. 'Tis said that Lasky went to NBC first crack out of the box, but that network couldn't be interested in the then highly embryonic deal.

▼ ▼

"No price for Robert E. Sherwood's 'Abe Lincoln in Illinois" has been discussed and no deal for its purchase has passed the conversational state," said Samuel Goldwyn just prior to his departure for the coast.

He added, "I think the play is the most profoundly moving and significant drama in years, one in which, with all my heart, I would like to see Gary Cooper on the screen. For a long time we have discussed plans for Gary Cooper as Abraham Lincoln. To me, the idea is exciting."

▼ ▼

Newsreel ingenuity came to the fore in covering the German spy trial under way in the Federal court here. Judge John C. Knox banned all cameras, still and motion picture, from the courtroom on the ground they are not dignified in the sacred precincts of Uncle Sam's court. However, sketch artists are permitted.

Paramount therefore hired a girl sketch artist and the result is 60 feet of sketches of trial principals in the current release. Newsreel men are burned up over the ban, especially since cameramen have been permitted in other important trials, notably the prosecution of Hauptmann, Lindbergh baby kidnaper, in New Jersey, where sound cameras where given full leeway.

▼ ▼

Reports are current in Philadelphia that Allied is to invade that territory with a new independent exhibitor unit. On Friday, it is understood, 11 exhibitors representing 37 theatres met in Atlantic City to discuss the move. United Motion Picture Theatre Owners is the only organization there at present.

▼ ▼

Freddie Bartholomew, the young English lad, received a lot of kudos, United States brand, when he visited the White House late last week. The President was in Hyde Park, but Freddie was received by Stephen Early, the President's secretary, and also visited Chief G-Man J. Edgar Hoover. Then followed interviews by Washington correspondents. In the party also were Freddie's Aunt Cissie, his tutor, and Gene Murphy of Loew's publicity staff.

▼ ▼

Universal's statisticians sharpened their pencils and have figured out that on the basis of the business done at the Rialto the first three days, the combination of "Frankenstein" and "Dracula" netted $10 per seat. The theatre was in operation at a solid 24-hour stretch. On this basis, and if business continues at the same level, the Rialto will hit an average of $25 seat for the week, according to the same authority, which claims this is tops "scare money" in show business.

London Firm Formed With U. S. Finances

London, Oct. 23.—Major Pictures, Ltd., a new British company, has been formed here with financing and distribution by an American company, the name of which was not revealed. Walter Futter is producer and Leslie Howard co-producer and star. Anthony Asquith is co-director, and production will start in January, with three pictures, "The Admirable Crichton," "Misssissippi Bubble" and a story of the life of General Gordon.

Du Art Laboratory Signs Union Pact

Du Art Film Laboratories on Saturday signed a one-year agreement with Motion Picture Laboratory Union, Local 702, settling the strike which had been under way about three months.

Increases of 10 per cent, closed shop and a 40-hour week are provided. Not all of the 35 employes who struck will be taken back, however.

Arthur Gottlieb, head of the laboratory, left Saturday for the coast.

Lasky-RKO Radio Deal for Wrigley Series Is Closed

(*Continued from page* 1)

winning players will be given parts in an RKO picture, in which RKO stars will appear. This picture will be produced by Lasky.

The program, it is understood, will cost the studio $10,000 to $15,000 per week. Lasky is now in Chicago finishing details of the deal with Wrigley executives.

Photographers Union Opposes ASC Claims

(*Continued from page* 1)

A. S. C. members and which gave A. S. C. screen credit after cinematographers' names.

More than 60 studios, both major and independent, as well as camera shops and laboratories where cameramen are employed, were named in the petition. It was alleged that A. S. C. does not have a majority among camera workers. The Motion Picture Technicians' Committee, of which Jeff Kibre is chairman, also was named as not representative of studio employes in the camera workers' classification. Kibre recently filed company union charges against the I. A. T. S. E. with the N. L. R. B.

Radtke Sues on Patent

Radtke Patent Corp. has filed suit in the U. S. District Court against Douglas Leigh, Inc., and American Epok, Inc., charging patent infringement. The plaintiff claimed the infringement of a patent for a method of optically reproducing sound, issued December, 1922.

An injunction against further alleged infringement is sought.

Bernstein Resigns

Abraham Bernstein, New York managing editor of *The Hollywood Reporter* for the past seven years, has resigned and will join the *Variety* news staff.

Pep Club Dinner Friday

The Paramount Pep Club will hold its annual dinner dance at the Hotel Astor next Friday evening.

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: Motion Picture Herald, Better Theatres, Teatro al Dia, International Motion Picture Almanac and Fame.

BUREAUS:—*Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

Dec. 15 New Date for US Suit Answers

Film company answers to the bill of complaint in the Government antitrust suit will not become due before D[illegible] 15 under the procedure now being followed, which calls for the filing of applications for bills for particulars from the Department of Justice in advance of the preparation of answers.

The first application for a bill of particulars is likely to be made today by Columbia. Schwartz & Frohlich, counsel for the company, have such an application in preparation and may complete it in time for filing today.

The five theatre operating companies, Loew's, Paramount, RKO, 20th Century-Fox and Warners, consented at the Washington conference with Department of Justice officials last week, to file similar bills in order to expedite the department's responses. For the same reason, Universal, through Chadbourne, Hunt, Jaeckel & Brown, also has consented to the filing of an answer as nearly like those of the other five companies as its non-theatre-owning status will permit.

Columbia Individual Case

Columbia's counsel felt that its non-theatre-owning status presented an individual case and decided to file a separate bill. United Artists' counsel, O'Brien, Driscoll & Raftery, has not decided yet which form of bill it will file, but indications are that it, too, will ask for a separate bill.

The companies' decision to follow this procedure developed when, it is understood, Assistant U. S. Attorney General Thurman Arnold indicated that the Department of Justice did not wish to grant time beyond Nov. 1 for filing answers, but had no objection to additional time being sought from the Federal court.

The bills will ask for specific instances of grievances or violations complained of in the equity action. The bills are returnable in five days, within which time the Government attorneys are entitled to argue in court on points which they believe should or should not be answered. Thereafter the Government's replies to the bills become due in 20 days, but additional time, of course, could be obtained.

When the Government has replied, the defendants will be allotted about 30 days in which to file their answers to the equity complaint.

Deny Appeal in 306 Suit

Application of Irving Schleifer, William Greene and Harry Scherl, members of Local 306, for permission to appeal to the N. Y. Court of Appeals from a decision of the Appellate Division of the Supreme Court, which refused to direct the union to pay them $13,000 in legal expenses incurred in a suit brought against Harry Sherman, former president, has been denied by the Appellate Division.

Lachmann Gets Aide

Bill Chambliss, in charge of trade, radio and syndicate publicity at 20th Century-Fox, has been appointed by Charles E. McCarthy as assistant to Marc Lachmann, national director of exploitation.

Trade Practice Harmony Exists; Final Talks Start in Two Weeks

It will be during the week of Nov. 7, that final negotiations will be started on an industry program of trade practices which began here Wednesday. The M.P.T.O.A. convention in Oklahoma City, which starts Oct. 30, is taking numerous of the industry leaders out of town this week.

Today the distributors and independent theatre owners meet. It is hoped that preliminary negotiations with these units may be concluded in a single day.

There has been considerable progress achieved in the current trade practice negotiations. An harmonious approach to solving the current trade problems has been attained both in the meeting between the distributors and the M.P.T.O.A. Confidence is expressed that similar progress will have been obtained on the independent side.

The independent units who are meeting to negotiate with the distributors today comprise the I.T.O.A. of New York; I.T.O. of Southern California; M.P.T.O. of Kentucky; T.O.M. of the Rocky Mountain Region; Allied T.O. of Iowa and Nebraska; Utah and the M.P.T.O. of Virginia.

West Virginia Managers' Association, an unaffiliated regional, has been represented by the M.P.T.O.A.

Following today's meeting with the independents, the leaders and committee members will meet to coordinate the proposals submitted and discussed at the separate meetings with M.P.T.O.A., Allied and the independents. Naturally, a unified program is the industry's aim. That goes without comment.

It is quite natural to expect that there may be division of opinion on some of the points, but it is altogether too early to attempt to know what these are or to guess what the solution might be. None can do this authoritatively. It is a fact that all sides are cooperating to the last degree.

Only the final sessions might determine what the trade practices shall be, and when these shall become effective.

Ross Sees Upturn On Midwest Survey

"Theatre men can look forward to excellent box-office for the winter months," says Harry A. Ross, president of Ross Federal Service, who has returned from a study of markets in and around Detroit, Chicago and Milwaukee.

Ross conferred with leading business men in those areas for an indication of the industrial trend during the next few months, with emphasis on the large employment industries which have an effect on theatre patronage. A cross-sectional survey of business and the public was also taken by the Ross Federal Research Corp.

"The findings," said Ross, "are by far the most encouraging index to improvement in business in the last five years.

Labor Peace an Augury

"Of major importance is the settling of labor disputes which have been retarding progress in the Milwaukee area for several years," he reports. "With this condition eliminated there is to be found a decided spurt of new enterprise in the area. Firms which have been working on a skeleton force have reopened to more than 65 per cent of their 1929 capacity.

"The milk and cheese industries also show the return of manpower to production as do small industries throughout the territory covered by the survey."

In the Chicago area, Ross said he found a "remarkable renewal of interest in various industries."

"In addition to the restoration of pay cuts in the motor industry, a re-employment schedule, calling for upwards of 100,000 men, is planned for the Michigan-Detroit area," Ross declared.

Quebec Studies End Of Child Film Ban

MONTREAL, Oct. 23.—Seeking suggestions on the advisability of amending the law which prohibits children under 16 years of age from attending film theatres, T. J. Coonan, minister without portfolio, stated yesterday that the Government realized that films might become a potent factor in child education.

Following a private screening of "Boys Town," to which educational leaders, clergy and members of societies interested had been invited, the Minister called for opinions to be sent to Quebec.

The industry attempted to show through the film that pictures suitable for exhibition to children and of an informative and desirable nature could be produced.

Coonan declared that Premier Duplessis had promised that the matter would be given consideration by the Administration. Adoption of the Belgium system where motion pictures are divided into two categories, one suitable for youngsters, was mentioned.

The private showing, sponsored by Famous Players Canadian Corp. took place at Regal Films, Ltd., headquarters.

Hart Trial Begins Today

Trial of the $500,000 breach of contract suit of William S. and Mary Hart against United Artists Corp. in the N. Y. Supreme Court will begin today before Justice Bernard L. Shientag and a jury. A previous trial resulted in a verdict for the plaintiff of $85,000, but on appeal the Appellate Division reversed the decision and ordered a new trial. The plaintiff claimed United Artists breached a contract whereby it was to distribute "Tumbleweeds," produced by the plaintiff.

Official Word on Italians' Rebuff Is Received Here

Home offices of major film companies were advised by cable over the weekend of Italy's determination to make no modifications in the decree which establishes a film distributing monopoly in that country beginning Dec. 31.

The information was relayed by Continental European managers for the American distributors who were advised officially of the Italian Government's stand on Friday. The managers may meet in Paris this week to study future procedure. Decisions of the Paris meetings will be submitted as recommendations to company home offices. Foreign department heads here do not anticipate a meeting on the Italian situation until the recommendations have been received.

"Suez" Roxy Gross Close to "Ragtime"

Total of 120,671 paid $62,362 for the first week of "Suez" at the Roxy to set a record second only to "Alexander's Ragtime Band." It is continuing for a second week. "Dark Rapture" at the Globe grossed $10,200 in its second week after $14,300 in its first. It is held over for a third week.

"Service De Luxe" started at the Rivoli on Saturday. At the Rialto, the horror duo, "Dracula" and "Frankenstein" is held over. "Man With a Hundred Faces" is next. On Thursday, "Touchdown Army" will replace "Girls on Probation" at the Criterion. "Rose of Tralee," Irish film, opened at the Irish Theatre on Friday.

Will Meet Again on Jobs for Musicians

Meetings between major company heads and the executive board of the American Federation of Musicians will be resumed either tomorrow or Wednesday at the office of Pat Casey, producers' labor arbitrator. The date will probably be made definite today.

The conferences are designed to explore the possibilities of increasing employment of musicians within the industry. No specific proposals were advanced at the first meeting last Thursday.

Ascap Defends Appeal

Ascap, through its counsel, Schwartz & Frohlich, filed an answer with the U. S. Supreme Court on Saturday to the motion of the Washington state attorney general for the dismissal of Ascap's appeal to the high court on the Washington anti-Ascap law. The Supreme Court ruled two weeks ago that it had "probable jurisdiction" in the Washington-Ascap case.

Finish Thorgersen Short

"Timber Toppers," the first Ed Thorgersen sports review in the new 20th Century-Fox series, has been completed and has already been released. It is a story of jumping horses made at the Maytop Stables with horses owned by Dr. and Mrs. Edgar Mayer.

HOWDY, FRIEND! WE'RE HOLDING THE **18TH ANNUAL M. P. T. O. A. CONVENTION** IN **OKLAHOMA CITY**—GATEWAY TO WESTERN HOSPITALITY—ON **OCT. 30TH TO NOV. 2ND.**

BE SURE TO COME—**ONE OF THE MOST IMPORTANT MEETINGS IN YEARS.** AND BRING THE LADIES—LOTS FOR THEM TO SEE AND DO!

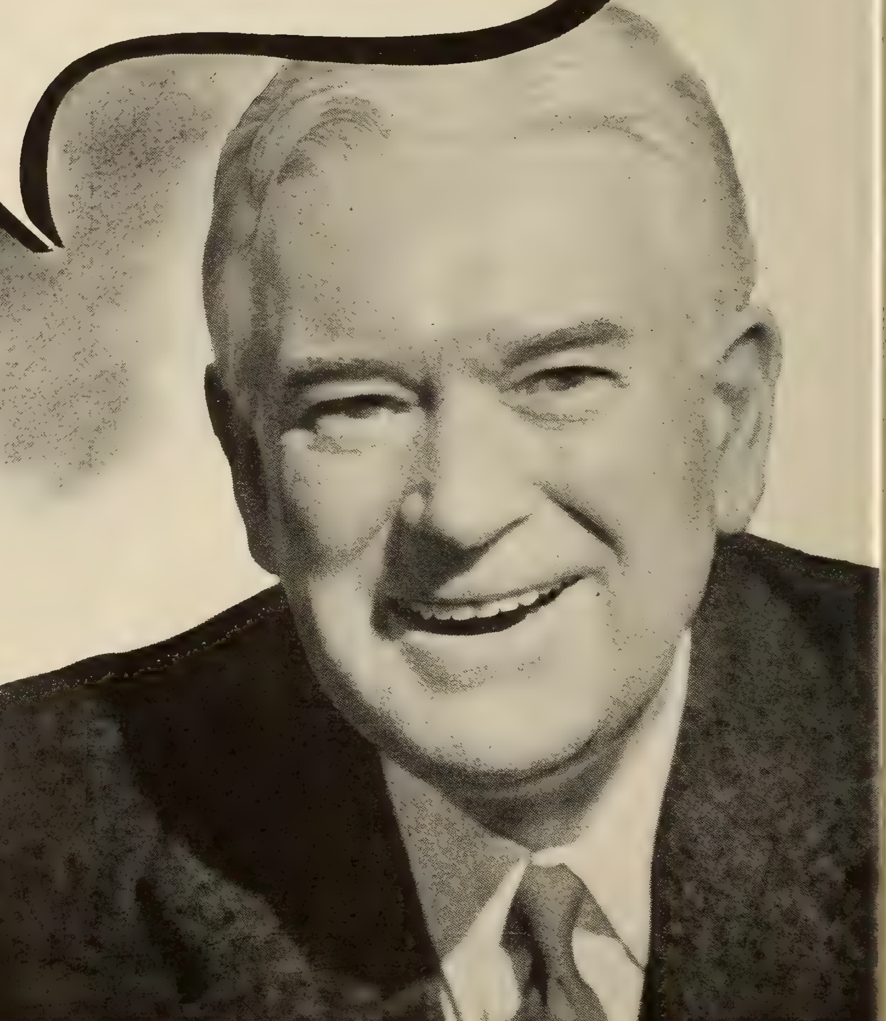
MAKE YOUR RESERVATIONS *today*

Write or wire: J. C. Rader, Biltmore Hotel, Oklahoma City, Okla. Rates $2.50 up.

Convention Headquarters: Biltmore Hotel.

•

Entertainment for all: Big modern hotels. Rodeos. Oil Fields. Indian encampments. Golf. Boating. Many points of historical interest.



"Too Hot" Is Denver's Top With $14,000

DENVER, Oct. 23.—"Too Hot to Handle" and "Block-Heads" stood them up at the Orpheum with a take of $14,000 and was held. "That Cert[illegible] Age" took a strong $10,000 at the Denver.

"Arkansas Traveler" did its share, with $9,000 at the Denham, and "Boys Town" and "Rich Man—Poor Girl" grossed a fair $3,000 at the Broadway.

Estimated takings for the week ending Oct. 19:

"Five of a Kind" (20th-Fox)
ALADDIN — (1,400) (25c-40c) 7 days. Gross: $3,500. (Average, $3,500)

"Boys Town" (M-G-M)
"Rich Man—Poor Girl" (M-G-M)
BROADWAY—(1,100) (25c-40c) 7 days, both after two weeks at the Orpheum. Gross: $3,000. (Average, $2,500)

"Arkansas Traveler" (Para.)
DENHAM—(1,750) (25c-35c-40c) 7 days. Gross, $9,000. (Average, $5,500)

"That Certain Age" (Univ.)
DENVER—(2,525) (25c-35c-50c) 7 days, and 100-piece WPA orchestra. Gross, $10,000. (Average, $8,500)

"Too Hot to Handle" (M-G-M)
"Block-Heads" (M-G-M)
ORPHEUM—(2,600) (25c-35c-40c) 7 days. Gross, $14,000. (Average, $7,500)

"Five of a Kind" (20th-Fox)
"Meet the Girls" (20th-Fox)
PARAMOUNT—(2,200) (25c-40c) 7 days. Gross, $3,000. (Average, $3,500)

"Hold That Coed" (20th-Fox)
"Danger on the Air" (Univ.)
RIALTO—(878) (25c-40c) 7 days. "Coed" after a week at the Denver. Gross, $1,750. (Average, $1,750)

Lord Given $15,000 In Pathe Settlement

Phillips H. Lord has received $15,000 in settlement of his $48,000 breach of contract suit against Pathe News, Inc. This compromise ended the trial of the action which was going on before Judge Clarence G. Galston and a jury in the U. S. District Court here.

The plaintiff had testified at the trial to a contract he had with Pathe News, whereby the defendant agreed to supply him with cameramen, technicians and film equipment for a proposed trip around the world. The trip was to be made to photograph interesting localities, Lord claimed, but Pathe had allegedly refused to carry out its contract.

Adjourn Barnes Hearing

Final hearing in the infringement suit brought by Margaret Ayer Barnes and Edward Sheldon against Moredall Realty Corp., owners of the Capitol, has been adjourned because of other engagements of Special Master Kenneth E. Walser. No new date has been set. The hearings are being held to determine the profits earned by the exhibition of "Letty Lynton," which the plaintiffs contend was plagiarized from their play, "Dishonored Lady."

Record for Drive Short

"The World Is Ours," the all-industry short subject produced for the Motion Pictures' Greatest Year campaign, will have the widest domestic distribution of any picture ever released. More than 1,000 prints will be distributed to make the subject available to every theatre in the country. The first print is now en route to campaign headquarters from Hollywood.

New York Previews

"Angels With Dirty Faces"

(Warners)

"Angels with Dirty Faces" starts with the precision and speed of the Twentieth Century Limited and gets where it is supposed to go with the same precision and speed. It is 97 minutes of emotional conflict that seem so real, the audience feels itself participating in the action.

It's a gangster picture, but in the end James Cagney makes a sacrifice for his old friend Father Connolly (Pat O'Brien) that robs gangsterism of its heroic aspects in the minds of the neighborhood boys. This element of regeneration should disarm the critics of this type of film. The picture puts Cagney back into the running as an ace attraction.

Two boys, Frankie Burke and William Tracey, play Cagney and O'Brien as young East Side hoodlums who start a career of crime by breaking into a freight car. The adult end of the story begins with the release of Cagney after his fourth or fifth prison term and his return to his old home neighborhood where O'Brien is now a priest. Cagney becomes a hero to the boys, but is caught in a new wave of shooting and gangsterism after he collects $100,000 from his former lawyer, Humphrey Bogart, who is now partner in a night club.

The love interest is minor, with Ann Sheridan playing the role of a childhood friend upon whom Cagney's interest centers.

A basketball game in which the "Dead End" kids play a game in Father Connolly's gymnasium is one of the funniest scenes ever put on a screen. Another scene in a poolroom when the kids start spending $500 Cagney has given them is also a first class laugh riot, but develops into tense drama when Father Connolly steps in.

When the police finally corner Cagney in a warehouse, with submachine guns roaring, Cagney fleeing from tear gas and crowds shouting, Father Connolly induces the officers to stop firing while he enters the warehouse to talk with Cagney. This sequence sets a new high in melodramatic action.

Drama has often been woven around the final walk to the electric chair, but this is different. Father Connolly makes a tense plea for Cagney to go to his death as a craven so the boys won't worship him as a hero. The last moments are played in silhouette, but they are moments of concentrated dramatic power.

Michael Curtiz directed from Rowland Brown's story with Sam Bischoff acting as associate producer. The screenplay was by John Wesley and Warren Duff. They all deserve congratulations.

Running time, 97 minutes. "G."* J. M. JERAULD

"Girls on Probation"

(Warners)

"Girls on Probation" is a story of parole which undertakes to prove the merits of the system if properly applied. Although the theme is handled along familiar lines, the point is proven effectively when Jane Bryan, innocently involved in a series of scrapes, is permitted to go free on probation rather than to a prison.

Miss Bryan borrows a dress from a fellow employe, Sheila Bromley, but the dress is found to be one taken by Miss Bromley from the cleaning establishment where they work. The true owner decides to prosecute, but the charge is dropped when payment is made. Ronald Regan, as a young lawyer, takes an interest in the case, and, later, in Miss Bryan. However, she is compelled to leave home when her father (Sig Rumann) finds that she has a police record. In an exciting sequence, the girls meet again outside a bank during a robbery. Again, Miss Bryan is involved by her companion, but this time they are sent to jail to await sentence. Here the probation system is permitted to demonstrate how it distinguishes between hardened criminals and those who can restore themselves to a place in society.

Tony Rand plays the bank robber, who is shot down by police who surround his hideaway. Crane Wilbur wrote the original screen story and William McGann directed.

Running time, 63 minutes. "G."*

---

*"G" designates general audience classification.

Harmanus Drops Plays

ALBANY, Oct. 23.—Stage plays with name screen actresses have faded out of Fabian's Harmanus Bleecker Hall after a six-week trial. The new policy features two films half of the week with a name band and a picture the remainder.

David on Wedding Trip

SALT LAKE CITY, Oct. 23.—Harry David, vice-president and general manager of Intermountain Theatres, Inc., is touring the east with his bride, formerly Dora M. Kiser of Salt Lake. The wedding took place in Colorado Springs.

Horror Dual, "Age" Leaders In Cincinnati

CINCINNATI, Oct. 23.—"That Certain Age" took top money last week with $16,500 at the RKO Palace.

The surprise take was registered at the RKO Lyric with "Frankenstein" and "Dracula," on a double bill, hitting $9,500, a record for recent years. This rated a holdover. "Boys Town" racked $6,500 on its third downtown week at the RKO Capitol.

Estimated takings for the week ending Oct. 20:

"Straight, Place and Show" (20th-Fox)
RKO ALBEE—(3,300), (35c-42c) 6 days. Gross: $6,800. (Average, 7 days, $12,000)

"That Certain Age" (Univ.)
RKO PALACE—(2,700), (35c-42c) 7 days. Gross: $16,500. (Average, $10,000) Moved to RKO Capitol.

"You Can't Take It With You" (Col.)
RKO SHUBERT—(2,150), (35c-40c-55c) 7 days, 3rd week. Gross: $9,100. (Average, $12,000) Held.

"Boys Town" (M-G-M)
RKO CAPITOL—(2,000), (35c-42c) 7 days, 3rd downtown week. Gross: $6,500. (Average, $6,500) Moved to RKO Grand.

"Frankenstein" (Univ.)
"Dracula" (Univ.)
RKO LYRIC—(1,400), (35c-42c) 7 days. Gross: $9,500. (Average, $6,500) Held.

"Too Hot to Handle" (M-G-M)
RKO GRAND—(1,200), (25c-40c) 7 days, 3rd downtown week. Gross: $2,650. (Average, $2,750)

"Mysterious Mr. Moto" (20th-Fox) (2 days)
"Bar 20 Justice" (Para.) (2 days)
"Campus Confessions" (Para.) (3 days)
RKO FAMILY—(1,000), (15c-25c) Gross: $2,400. (Average, $2,450)

"Valley of the Giants" (W. B.)
KEITH'S—(1,500), (30c-40c) 7 days. Gross, $4,500. (Average, $6,500)

Carnegie Grant for Scotch Film Library

LONDON, Oct. 23.—Carnegie trustees have offered the British Film Institute £5,000 for the establishment of a central film library in Scotland.

The aim of the grant is the furtherance of the educational value of the screen, and the trustees expressed the hope that other English regions will follow the example.

Takes Revelstoke Lease

REVELSTOKE, B. C., Oct. 23.—Warren Cooper, who operated the Province Theatre under lease from W. P. Dewees Theatre Enterprises of Vancouver, has taken over the interests of that company in this railroad center, and is remodeling the Columbia Hardware building to provide a 500-seat house. This will replace the Province, which was destroyed by fire last month.

Wins Universal Suit

LOS ANGELES, Oct. 23.—A Superior Court jury has awarded Samuel Van Ronkel, short subjects producer, $13,000 in his suit against Universal. He sued on an alleged verbal contract with Carl Laemmle, Sr., before he left the company, to make 13 shorts at $1,000 each. The films were never made.

Norton Starts "Lambeth"

LONDON, Oct. 23.—Richard Norton played host at a press luncheon to inaugurate the production of "Lambeth Walk," a General Film Distributors release, at Pinewood. Lupino Lane is the star.

Wages-Hours Fog Settles On Industry

(Continued from page 1)

nies have any definite knowledge. It is not even known what, if any, branches of exhibition may be considered in interstate commerce.

Although Elmer F. Andrews, national administrator, stated several weeks ago that the film industry would not receive immediate attention from the administration, later regulations pointed out that the law would have to be obeyed even if no specific industry regulations were made. Criminal prosecution under the act is based upon "wilful violation," but under the provision for civil liability the word "wilful" is omitted.

Any employe who fails to receive minimum wages of 25 cents an hour, with time and a half for anything over 44 hours, mav sue for double the difference. Under the circumstances, lawyers said, an employer who failed to provide minimums may find that there are considerable penalties to pay. The act provides that one employe may sue "on behalf of all others similarly situated," and employes may designate a representative to sue for them if they do not wish to undertake the litigation personally. Attorneys here are of the opinion that a civil suit would be successful without any "wilful" violation on the part of the employer.

Jurisdiction Problem Up

Since the act applies only to interstate commerce, a problem of the national board's jurisdiction also has arisen. It is expected that decisions of the N. L. R. B., which held that production and distribution are interstate, will be followed. However, exhibition has never come before the national board.

Of the four exhibition cases which have come before state boards, the state accepted jurisdiction in each. Only one, however, involved an interstate circuit. In Boston, the Massachusets board impliedly ruled that a Loew house was engaged in intrastate commerce, but it is not known if this decision will be followed. In view of the fact that ushers, cashiers, maintenance men and, perhaps, assistant managers will be affected if minimums are not maintained, attorneys are at a loss to advise the circuits.

Separate Records Not Needed

Independent theatres and circuits operating in only one state will not be compelled to conform to the standards set. Opinion is divided, however, on the effect of the law on holding companies which own the stock of corporations organized in the state where the house is located. In the case of individuals who control several corporations in a number of states, attorneys are at a complete loss.

Andrews has ruled that it will not be necessary to keep separate records for his board, but books must show clearly the exact time each employe works and wages received.

Where union agreements are in effect, overtime provisions do not apply, but there is a maximum set of 2,000 hours for each half year.

Lucky and Unlucky

The heavy hand of fate dealt a two-sided blow to one of the patrons at the Chaloner Theatre at the Bingo game the other night. The customer had a card which entitled him to a share in the jackpot, but, unfortunately, he was obeserved by his ex-landlord as he rushed to the stage.

Prizes were not distributed until the following Friday and when he arrived to collect, he found that $88 of the $146 prize had been attached on an old judgment.

Jesse Jones Invited To Rogers Ceremony

OKLAHOMA CITY, Oct. 23.—Jesse Jones, chairman of the Reconstruction Finance Corp., has been invited to deliver the main address at dedication of the $200,000 Will Rogers Memorial museum in Claremore, Okla., Nov. 4. Vice-president John Garner has declined.

Garner's letter to the Will Rogers Memorial Commission pointed out that he has made it a policy "not to make public addresses" while serving as vice-president.

Consolidated Buys Two

OKLAHOMA CITY, Oct. 23.—Consolidated Amusement Co., affiliate of the Griffith circuit, has purchased the Strand and Ritz in Uvalde, Tex., from Uvalde Theatres, Inc., of which H. W. Little is president. The two theatres will be jointly operated by Jack Pickens Theatres, Inc., and Consolidated.

Damage Clause Is Copyright Hurdle

(Continued from page 1)

again in 10 days or two weeks to complete coordination of its proposals and put them into form for a recommendation to Congress about mid-November for changes in the copyright law. The committee is without official status but it has unusual prestige due to its representative character and influential membership.

The film industry was represented at yesterday's meeting by Robert W. Perkins, Warners; E. P. Kilroe, 20th Century-Fox, and Gabriel L. Hess, M.P.P.D.A. Ascap was represented by Herman Finkelstein of Schwartz & Frohlich. Publishers and radio broadcasters were represented also.

Holmes Takes Office

John T. Holmes, recently elected president of the Warner Club, was inducted into office at a dinner dance attended by 100 members at the Dorset Friday night.

Among those attending were Samuel Carlisle, W. S. McDonald, T. J. Martin, James Brennan, Ralph Budd, Leonard Schlesinger, Nat Fellman, Frank Cahill, Frank Gates, Harold Rodner, Harry Mayer, Ruth Weisberg, Jules Levey, A. W. Schwalberg, Max Blackman, H. M. Doherty, Ed Hinchy, Arthur Sachson, George O'Keefe, Ed Savin and Saul Immerman.

Roxy Has Court Team

The service staff of the Roxy has organized a basketball team and would like to play other teams in the industry. Al Hatoff, assistant manager, is open to offers.

Critical Reactions Mixed On 'Manton,' 'Stablemates'

Excerpts from the New York daily paper critics' reviews of "The Mad Miss Manton" at the Music Hall, and "Stablemates" at the Capitol, follow:

"The Mad Miss Manton"

Herald Tribune—If you can take your screen entertainment piecemeal, you are apt to find "The Mad Miss Manton" diverting.

Journal American—On the wacky side . . . an adroit blend of homicides and humor. Romps gaily through amusing gags.

Mirror—Merry little mystery melodrama. . . . Frankly implausible and madly uproarious. . . . Both stars a shade miscast.

News—For the first 10 minutes the comedy wobbles feebly, then the director loosens the reins and they all gallop through the film in great form.

Post—Has a little bit of everything. Most successful in the creation of suspense and mild horror.

Sun—A slightly goofy but quite diverting little film. None of it is believable, nor do cast or director ask that you believe too much of it.

Times—Seven debs playing Philo Vance are almost as much fun as a barrel of monkeys. . . . The producers have done well.

World-Telegram — Reasonably entertaining cinema exercise in lethal high jinks. . . . Has some bright nifties in it.

"Stablemates"

Herald-Tribune—An actor's picture . . . a racetrack drama that will surely draw the family trade. . . . Entertaining.

Journal American — Sentimental drama. . . . Somewhat reminiscent of "The Champ."

Mirror—A conventional story so particularly well acted that it achieves outright distinction. . . . Universal in its appeal.

News — For all its stickiness, "Stablemates" has its moments of comedy. . . . Entertaining and smooth-running.

Post—Vastly entertaining to the cash customers. . . . Offers an abundance of laughs.

Sun—A frankly sentimental and appealing drama. . . . Tailor made roles, with a story expertly fashioned about them.

Times—We doubt if any other two stablemates in Hollywood could have translated the horsy hokum into fine sentimentality.

World - Telegram — Although "Stablemates" is pretty sticky and syrupy stuff, it has enough good acting and comedy to make it fair-to-middling entertainment.

Schaefer Now Heads RKO; Spitz Departs

(Continued from page 1)

following Spitz's resignation. The trustee, executives and numerous employes, as well as directors of [illegible] company, personally expressed their regret at Spitz's departure.

Executives and directors felt that few executives in their experience in this trade or elsewhere had attained the measure of respect and sincere sentiment among his subordinates and the rank and file as had Leo Spitz, in his tenure as president of RKO. The K-A-O board adopted a resolution of regret. The M. J. Meehan people, particularly, regretted his going. To Spitz they credit the salvation of RKO theatres. Under Spitz's direction RKO is now operating in the black, and he turns over a successful company to Schaefer.

Spitz as Special Counsel

Schaefer's election to the presidency of the parent company and ratification of his employment contract will be one of the first acts of the new board of directors following the reorganization. Personnel of the new board may be completed this week. It will be submitted to Judge Bondy for his approval.

Spitz, although returning to his Chicago law firm, Spitz & Adcock, will remain with RKO in an advisory capacity until the reorganization has been completed. Thereafter, he will be associated with the company as special counsel. His Chicago law firm is one of the largest and most important in the middle west and represents important interests in this and other industries. He leaves for Chicago today.

The action of the boards on Friday was announced by Irving Trust Co., trustee, in a statement which read as follows:

"Leo Spitz today tendered his resignation as president of Keith-Albee-Orpheum, B. F. Keith Corp. and RKO Radio Pictures, Inc. The board of directors of these companies accepted his resignation with great regret and in deference to his desire, which he has expressed for some time, to return to his law practice as early as practicable. Spitz has, however, agreed to continue to serve in special matters.

"George J. Schaefer was elected to succeed Spitz as president of these companies."

U. A. Promotes Davis

Jeff Davis, former salesman for the United Artists Philadelphia branch, has been named Philadelphia branch manager by Harry Gold.

Davies Settlement $3,300

Valentine Davies, plaintiff in a suit for plagiarism against Columbia and Tom Van Dycke, which was settled out of court on Oct. 19, received $3,300, it was revealed in U. S. District Court.

To Open Conn. House

HAMDEN, CONN., Oct. 23.—Fishman Bros.' new 1,060-seat Dixwell has been set for opening Tuesday night.

Short Subjects

"The Spider's Web"

(Columbia)

Here is another serial that has the elements needed to make it go over successfully with the audience for which it is aimed. There is action in the unfoldment of a story replete with unusual twists, unique characters and grotesque array of props. The exhibitor is provided with colorful material for exploitation purposes. Once it catches on with the younger audience element it should be assured of good attendance as ensuing chapters are played.

The basic story concerns a mysterious criminal known as "The Octopus." He seeks to gain control of utilities and transportation companies. Warren Hull, playing three parts, is the criminologist who undertakes to thwart the "Octopus" at every turn. There is also a death warrant out for him. Explosions, gun battles, slugfests and a dozen other violent forms of action are present in each chapter. The supporting cast includes Iris Meredith, Richard Fiske, Kenneth Duncan, Forbes Murray and Donald Douglas. The "Octopus" is unidentified and probably remains so until the last installment. The first chapter runs 29 minutes, ensuing episodes, 19 minutes. "G."*

"Not Guilty Enough"

(Columbia)

Andy Clyde is hailed into court by his brother-in-law and tells of the contributing factors to the assault and battery charges. It seems that Shemp Howard, the relative, felt the urge to return to the soil. Clyde fell in with the scheme, laid out the money and promptly became involved with police and annoyed neighbors. One thing leads to another until Clyde becomes a raving homicidal maniac and starts to take it out on Howard. The judge, after hearing the evidence dismisses the case. Clyde promptly starts out after Howard with a gaspipe. It has its moments. Running time, 18 mins. "G."*

"Cleaning Up"

(Warners)

Here's a musical two-reeler that is excellent. The story is thin, but sufficient to center interest in the laugh provoking problems of two amateur bankers in the persons of Cross & Dunn. The high spot of the short is supplied by two youngsters billed as Ray & Grace McDonald who do some excellent dancing and singing in addition to a fair share of the dialogue. Running time, 20 mins. "G."*

'Community Sing No. 2-3'

(Columbia)

If the audience is interested in entertaining themselves, Gene Morgan, in this film, will encourage them in a number of songs that generally have a South Sea locale. Appropriate props and costumes are utilized. The numbers include "Moon of Manakura. Running time, 10½ mins. "G."*

"G" designates general audience classification.

State Ousts Doubles

Oklahoma City, Oct. 23.—State, operated by T. B. Noble, Jr., has returned to a single bill policy.

Key City Grosses Gaining; Total Rises to $1,429,288

Key city grosses are recovering from the recession which set in after the Labor Day week jump. They are now at the level that prevailed in late January and during February when the season was at its height.

The total for 23 key cities reporting to Motion Picture Daily for the week ending Oct. 13-14 was $1,429,288 with 138 first run houses open. The total for the previous week was $1,519,793 with 137 houses in operation. Both of these totals are better than any reached since the Labor Day jump started the season with $1,572,099.

General improvement in business conditions since the settlement of the European war crisis and the circulation of a number of big box-office attractions, plus the impetus of the Motion Pictures Greatest Year drive and the "Movie Quiz" contest are credited with the gains.

Some of the big current films that are helping grosses are: "You Can't Take It With You," "Boys Town," "Room Service," "Too Hot to Handle," "Four Daughters," "Straight, Place and Show," "Drums," "Marie Antoinette" and "Spawn of the North."

Totals for the latest available period follow:

	Week Ending Oct. 6-7		*Week Ending Oct. 13-14*	
	No. Theatres	***Gross***	***No. Theatres***	***Gross***
Boston	6	$78,500	6	$75,000
Buffalo	5	56,200	5	60,300
Chicago	7	117,600	7	130,100
Cincinnati	8	60,050	8	53,000
Cleveland	5	56,800	5	50,800
Denver	8	42,000	7	39,500
Detroit	5	44,700	5	62,400
Indianapolis	4	29,500	4	33,400
Kansas City	6	49,000	6	41,200
Los Angeles	7	111,493	8	92,188
Milwaukee	5	36,600	5	33,900
Minneapolis	4	46,400	4	24,000
Montreal	5	41,000	6	51,500
New Haven	4	23,600	4	23,800
New York	10	331,000	10	279,600
Oklahoma City	5	15,100	5	15,900
Omaha	3	22,800	3	23,500
Philadelphia	9	92,300	9	91,150
Pittsburgh	5	54,750	5	47,600
San Francisco	8	91,250	8	86,250
St. Paul	5	14,300	5	12,600
Seatttle	7	41,600	7	42,100
Washington	6	63,250	6	59,500
	137	$1,519,793	138	$1,429,288

Key city grosses for the month of September:	***No. Theatres***	***Gross***
Sept. 8- 9	138	$1,572,099
Sept. 15-16	137	1,407,481
Sept. 22-23	138	1,382,059
Sept. 29-30	137	1,398,438
Oct. 6- 7	137	1,519,793
Oct. 13-14	138	1,429,288

(*Copyright*, 1938, *Quigley Publishing Company, Inc.*)

NLRB Asks Studios For Lists of P. A.'s

Hollywood, Oct. 23.—Major studios have been ordered by N.L.R.B. Trial Examiner William Ringer to present lists of payrolled publicity men for checking against lists presented at a hearing by the Screen Publicists Guild, on the latter organization's petition to be declared the collective bargaining agency for major studios' press agents. Gordon Hall, Jr., for the studios, asked dismissal of petition on the grounds N.L.R.B. had no jurisdiction, but Ringer denied this.

Monogram Completes 10

Hollywood, Oct. 23. — With the completion of "Gang Bullets," E. B. Derr film, Monogram has completed 10 of the 42 pictures scheduled for 1938-'39. Nine other features will be finished by the end of the year, according to W. Ray Johnston, president, now here.

ITOA-Local 306 to Discuss New Scales

Negotiations on wages and working conditions for operators in local independent houses are scheduled to get under way today between the I.T.O.A. and Local 306.

The local is prepared to ask for a wage increase, probably 10 per cent. However, the 10-year basic pact negotiated two years ago provides for scales in accordance with the Department of Labor index of living costs.

Indications are that the I.T.O.A. negotiations will be completed before the operators consummate their new agreement with the circuits. A committee representing the circuits is now occupied with consummating a pact with stagehands' Local 1, which has been delayed by details.

The I.T.O.A. committee which will negotiate wtih the operators consists of Hyman Rachmil, Stanley W. Lawton and Rudy Sanders.

Variety Club

Philadelphia

Philadelphia, Oct. 23.—James J. Walker, former Mayor of New York, will be toastmaster at the fourth annual banquet of the Variety Club to be held in the Bellevue-Stratford ballroom on Dec. 11, according to James P. Clark, banquet chairman, and Jack Beresin, chief barker. Walker will head a delegation estimated at 250 to join 850 local guests who have already made reservations for the banquet.

Dr. Leon Levy and Milton P. Rogasner will be vice-chairmen. Chairmen of committees include: tickets, Ben Amsterdam; dais, Ted Schlanger; reception, Earle Sweigert; entertainment, David Weshner; electrical, Louis Krouse; microphone, E. O. Wilschke; publicity, E. M. Orowitz; dinner, Ben Fertel; seating, Amsterdam; transportation-hotel, William J. Clark; program printing, Al Blofson; program advertising, William J. Clark; out-of-town guests, Paul Greenhalgh; physician, Dr. J. Alex Ritter.

Pittsburgh

Pittsburgh, Oct. 23.—Ira Cohn, 20th-Fox exchange manager, has been elected Chief Barker of the Variety Club here for 1939. Harry Seed and Jules Lapidus were named his first and second assistants.

Other officers are: Al Weiblinger, property master; Mike Shapiro, dough-guy, and Harry Feinstein, C. C. Kellenberg, Jake Soltz, C. J. Latta, Joseph Misrach and Al Weiss, canvassmen. Harry Kalmine and Harold Lund were elected convention delegates, with Dr. A. I. Wise and Mark Goldman as alternates. The new slate will be inducted into office at annual banquet Oct. 30.

Washington

Washington, Oct. 23.—Variety Club's first social event of the season was held at the Hotel Willard Saturday night. It was called "A Night in the Country" and the clubrooms were decorated in rustic fashion. Harry Lohmeyer and Mrs. Lohmeyer were co-chairmen.

A Hallowe'en luncheon will be held in the Bamboo Room of the Willard, Oct. 31. Archie Engle and Alvin Newmeyer will be co-kings.

Kansas City

Kansas City, Oct. 23.—The Variety-sponsored Cinema Club, headed by Stanley Goldberg, Oct. 28, will take over Variety Club rooms here for dancing and eating. The Hallowe'en party is in the hands of Harry Wheeler, Paramount; Albert Morris, Independent Poster Exchange, and W. W. Sherrill of M-G-M.

U. A. Party Tomorrow

United Artists will give a cocktail party for Ann Sothern, Roland Young, Patsy Kelly and Douglas Fairbanks, Jr., at the Rainbow Room tomorrow.

McCormick in Hollywood

Hollywood, Oct. 23.—S. Barret McCormick, advertising and publicity director of RKO, is here for conferences with Howard Benedict.

Banner LINES

LAST season when Orson Welles was doing "The Shadow" every effort was made to capitalize on his name. Now, however, Bill Johnstone is doing "The Shadow," and the orders have been to subordinate the name of the player to that of the character.

▼

CBS has strict orders that no publicity about Major Bowes is to be released without first obtaining the Major's approval of copy. One wonders, therefore, how come the Major approved a recent release which stated in the headline that "Sitting Bull In His Heyday Had Nothing on Major Bowes."

▼

Lucille Linwood, the NBC singer, at last has her name in Broadway lights—on the Calvert Whiskey sign.

▼

The Roehrenbeck system is working again. Roehrenbeck, general manager of WHN, was most successful last year in naming the gridiron winners in the station's football pool. Then, he claimed, it was due to a pencil, a blindfold and a list of teams. The first two weeks of this season Roehrenbeck again has topped the station's force, so he must indeed have a system.

▼

WHN has an announcer named Charles McCarthy, and that obviously opens up many an avenue for a gag. The other day WHN sent McCarthy and Press Director Al Simon down to the dock to describe the *Queen Mary's* leave taking without benefit of tugboats. Naturally a crowd gathered about the radio crew, and a pretty thing asked Simon who the announcer was. Al told her, and she transfixed him with a frigid glance.

"A wise guy, huh," she said. "And I suppose if I asked you who you are you'd tell me you're Edgar Bergen."

—JACK BANNER

P & G Complete New CBS Program Lineup

The new Procter & Gamble setup of programs on CBS has been achieved, with "Life Can Be Beautiful" and "This Day Is Ours" scheduled to replace "Vic and Sade" and "The Gospel Singer." The latter two programs go to NBC.

The new programs begin Nov. 7, with "Life Can Be Beautiful" slated for Monday through Friday presentation from 1:15 to 1:30 P. M., and "This Day Is Ours" for a similar schedule from 1:45 to 2 P. M.

Time Program Continues

In order to permit additional time in which to secure a sponsor for the program, Time, Inc., has decided to keep the "March of Time" on the air under its sponsorship for another six broadcasts.

Pass Dumont Television

WASHINGTON, Oct. 23.—The F.C.C. has approved the application of the A. B. Dumont Laboratories of Montclair, N. J., to construct a new television broadcast station.

Hallowe'en Hay Ride

New Yorkers will see their first hay ride in many years on Oct. 27 when a horse-drawn, hay-laden vehicle supplied by WOR moves along Broadway and Fifth Ave. There'll be a broadcast from the top of the wagon, whose occupants will be Patricia Ellis, Glenda Frazier, a group of debs and a band. Hillbilly costumes will be the garb. The wagon will get under way at about 8:30 P. M., with the broadcast to take place at 11:30. It's to be a Hallowe'en stunt.

Guenther Promotion Director for WSAI

CINCINNATI, Oct. 23.—With the resignation of John J. Koepf as sales promotion manager of WSAI, Winfred Guenther, who went to the station from the local Ziv Advertising Agency four months ago, has been appointed promotion manager in charge of exploitation, publicity, research and special events. John Conrad of the WLW-WSAI special events department succeeds Guenther, while Jerry Burns, who joined the WLW-WSAI announcing staff recently, moves into Conrad's former post.

Other changes include promotion of Walter Callahan from WSAI salesman to sales and service manager of WLW, and the addition of Archie Grinaldo, from WAGA, Atlanta, to the WSAI sales force, E. C. Krautters moves from the WLW service department to the post of first salesman of that station. Beulah Strawway, affiliated with the sales and advertising department of the Kroger Grocery chain here, has joined the WSAI promotion department in charge of trade relations.

Adam Signs at New Rates of Blue Net

Although the contract has not been signed, NBC has its first sponsor for the revised Blue network setup, with Adam Hat Co. signifying its intention of purchasing an additional 20-station hookup at discount rates, to be joined to the 37 stations Adam Hat Co. already has signed for.

Adam Hats originally signed for 37 stations, but induced by the new bargain rates, it will increase its hookup to 57 stations. The Adam fight programs begin Nov. 2.

Toronto Orchestra on Air

TORONTO, Oct. 23.—For the first time in the history of the Toronto Symphony Orchestra a portion of the weekly winter concerts, with Sir Ernest Macmillan conducting, will be brought to the national network audience in Canada by a series of CBC programs starting Tuesday at 9:30 P. M., E.S.T. These concerts, which will originate in Massey Hall, will be presented each week by the corporation until March 21.

Churchmen to Hear Lohr

Lenox R. Lohr, president of NBC, will describe the place of radio in American life in an address before the biennial conference of the Federal Council of Churches in America at the Statler Hotel, Buffalo, on Dec. 7.

N.A.B. Holds Up Film Quiz Results

WASHINGTON, Oct. 23.—Results of the film questionnaire sent to radio stations by the National Association of Broadcasters will be held up until such time as Research Director Paul Peter has made a comprehensive survey. The original plan was to release the statistics after a cursory checkup. However, two factors have changed this plan. The N.A.B. had not counted on the questionnaire arousing as much interest in the radio and film fields, and the Ascap survey is taking more time to complete than anticipated.

To date the N.A.B. has received 475 responses from radio stations and replies are still coming in. Eight hundred questionnaires originally went out.

Sign Ross, Voorhees For US Tobacco Show

Although official word on the subject is refused at the moment, it has been learned that Lanny Ross and Don Voorhees' orchestra have been signed to replace Ed Roeker and Benny Kreuger's band on the CBS "Pick and Pat" show, sponsored by the U. S. Tobacco Corp. The Kudner agency handles the account.

The new assignment will mark Lanny Ross' first regular radio work since the last Packard Motor show on NBC.

CBS Honors Murrow At Speechless Lunch

Ed Murrow, CBS chief of the European staff, was tendered a luncheon by the network Friday at the St. Regis. William S. Paley was ill and his place was taken by Edward Klauber, executive vice-president.

The luncheon was notable for the absence of speeches. Representatives of the daily and trade press were present, and the CBS executive contingent included Paul Keston, Larry Lowman, Bill Lewis and Mefford Runyan. Also present was Felix Green, BBC representative here.

Three Stations Ask Increases in Power

WASHINGTON, Oct. 23.—Authority for broadcasting with increased power has been asked of the Federal Communications Commission by three stations.

WCOA, Pensacola, sought approval for an increase from 500 watts night, 1,000 watts day, to 1,000 watts night, 5,000 watts day, while KFSD, San Diego, asked for an increase from 1,000 to 5,000 watts, and WMIN, St. Paul, asked an increase in night power from 100 to 250 watts.

Extend "Good Will" Show

Eighteen stations of the Texas State network have been added to the 60 now carrying the "Original Good Will Hour," conducted Sundays by John J. Anthony over the Mutual network for Ionized Yeast Co.

Merritt Joins CBS

Henry Merritt has joined the sales staff at CBS. He enters radio from Wall Street.

▸ Radio Personals ◂

THE "Fashionettes," trio that sings with Frank Novak's band at the Biltmore, has been signed for Warner shorts. The girls are Claire Sherman, Emily Stevenson and Joan Whitney. . . . Rubinoff, recovered from his recent illness, will make his first appearance in some time on the Benny Goodman show, on which he will appear as a guest Nov. 1. . . . Parker Fennelly has been added to the "Pretty Kitty Kelly" cast. . . . Lud Gluskin got in from Hollywood Friday night by plane, the first of the Al Jolson contingent to arrive here. The others arrived Saturday by train.

Griffin Buys KOMA From Hearst Radio

OKLAHOMA CITY, Oct. 23.—Hearst Radio, Inc., has sold KOMA to J. T. Griffin, manufacturer, for $315,000. William C. Gillespie represented Griffin in the deal.

The purchase is subject to confirmation by the Federal Communications Commission. Griffin is a major stockholder in KTUL, Tulsa. Neal Barrett, station manager, has resigned to devote full time to post as executive vice-president of the Texas State Network.

Pellegrin Is Named Central Sales Head

OMAHA, Oct. 23.—Frank Pellegrin has been promoted to general sales manager of Central States Broadcasting System by Don Searle, general manager. Pellegrin formerly handled national sales and promotion and assumes the duties of Paul Hamann, former local sales manager.

WNEW Closes 3 Deals

New contracts at WNEW include Potter Drug Co., 18 announcements weekly for 26 weeks through Atherton & Currier; a half-hour variety show, once weekly for 52 weeks for Metropolitan Merchants Guild through Weill & Wilkins, and Elbee Furriers, Inc., a transcribed half-hour show once weekly plus six five-minute spots weekly, through Weill & Wilkins.

Mennen Plugs Program

Mennen Co. for "People's Rally," new show about to make its debut over Mutual, will place a sizeable schedule in newspapers published in cities where the program is heard, to publicize the show. John B. Kennedy and Bob Hawk carry the program.

Dow Drug on Radio

CINCINNATI, Oct. 23.—Local Dow Drug chain, which recently gave up "Dawn Patrol" over WKRC (CBS) now sponsoring "Dow's Daily Express" over WSAI (NBC), 7:30 to 8:30 A. M., E. S. T., weekly except Sunday.

Set WABC News Show

Peter Paul Candy Co. will sponsor a new series over WABC only, titled "Oddities in the News," with Charles Stark doing the readings. Show will be heard Mondays through Fridays from 8 to 8:05 A. M.

Alert.
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

L. 44. NO. 81 NEW YORK, TUESDAY, OCTOBER 25, 1938 TEN CENTS

Find Few Film Workers Under Wage-Hour Act

Most Are Over Minimum And Many Exempt

Few employes of the film industry will come under the provisions of the new Federal wage-hour law, in the opinion of industry heads who have studied the regulations so far given out. The bulk of exchange employes are believed to be exempt because they have had a five-day week for some time and their wage scales are above the minimum set in the act.

Most industry observers agree that theatres will not be classified as interstate commerce.

No estimates are available as to the number of studio employes who will come under the law. From a wage standpoint, however, it is believed

(Continued on page 2)

Decision on "Quiz" Extension Up Today

Decision on extending the $250,000 "Movie Quiz" contest an additional 60 days beyond Dec. 31 may be made today at a luncheon meeting of the general committee of Motion Pictures' Greatest Year. Regional chairmen of the campaign have been canvassed with sentiment throughout the country fairly evenly divided for and against the extension. In consequence, the decision will be up to the general committee.

National and regional officers of the drive will be guests at the 10th annual

(Continued on page 4)

Advance Sale

Riverside, Ia., Oct. 24.—The Better Riverside Club bought tickets totaling $300 in advance to induce A. T. Chado of Cedar Rapids to open a theatre in the town. Chado will open a theatre and run four shows a week as soon as a building can be prepared.

Renewal for U.A. Agreement Likely, Predicts Selznick

David O. Selznick described a renewal of a distribution deal between Selznick International and United Artists as "most likely" on his arrival in New York yesterday from the coast.

Conceding that he would talk to other companies, among them RKO, the producer indicated that he not only favored a renewal with United Artists but regarded it as more likely to occur than a deal with any other company.

Selznick will hold preliminary discussions today with Maurice Silverstone, United Artists executive head, but final negotiations will be held in abeyance until the producer returns from Bermuda in about three weeks, he said. Selznick will leave by plane tomorrow with Mrs. Selznick for the vacation trip. With the recent completion of "Made for Each Other" and the delivery of "The Young in Heart," Selznick has fulfilled his product commitments to United Artists under his present pact.

He said that Jan. 5 has been set as the definite starting date for "Gone

(Continued on page 4)

Paramount Host to 200 of Nation's Leading Aviators

Paramount will play host this evening at the Astor to more than 200 of the nation's leading figures in military and civil aviation, at a "Men With Wings" dinner and preview of the film, to celebrate the award of medals to the three fliers who saved the lives of their passengers when a plane crashed near Montgomery, Ala., Oct. 18.

The three, Capt. David Hissong, Pilot Clyde R. Russell and Flight Steward Frank Gibbs, of Eastern Airlines, will receive the medals from Joseph V. Connelly, Hearst newspaper executive, one of the passengers. The dinner, at 7:30, will be followed by attendance at a preview of "Men with Wings" at the Paramount at 10.

Guests of honor at the dinner will include the three airmen, Louise Campbell, feminine star of the film; William A. Wellman, producer and director; Austin C. Keough and Y. Frank Freeman, Paramount vice-presidents, and Col. Charles Wayne Kerwood, president of the Association of Men With Wings.

A cocktail party at the Ritz Tower at 5 o'clock will precede the dinner.

Deutsch Again in Market for Para. British Theatres

London, Oct. 24.—Oscar Deutsch (Odeon-U. A.) seems to be flirting again with Paramount regarding possible purchase by him of the American company's British circuit. Furthermore, it now appears that the film distribution end (Universal) of General Theatres (Lord Portal-Arthur Rank-C. M. Woolf) may be left out of the presently contemplated $40,000,000 merger, headed by Odeon, whereby the latter will absorb the Gaumont British theatres, the G.T. theatres and the Sidney L. Bernstein houses.

J. Cheever Cowdin, Universal chairman, is here participating in the transactions.

Indications are that the prospective merger is coming along satisfactorily. The financial supervisors of the transaction include such eminent financiers as Ernest Lever of Prudential Assurance and Philip Hill.

Naught is known whether the Ostrers have advised 20th Century-Fox and Metro-Goldwyn-Mayer, G.B.'s American associates, of the

(Continued on page 4)

Complete Deal for Transfer of WINS

William Jaffee of the law firm of Rosenblatt & Jaffee yesterday closed the deal for the transfer in ownership of WINS from the Hearst interests to Milton Biow. Jaffee represented the Biow interests.

The deal, while now closed, must await approval of the Federal Communications Commission.

Under the new setup, WINS will be operated by the Metropolitan Broadcasting Corp., for which Biow will serve as president and Sophie Biow as vice-president and secretary. The price paid by Biow for the station was not revealed, but it is believed to have been $150,000.

Additional developments in radio are found on page 12

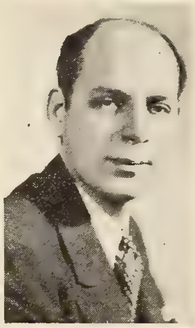
Schenck Departs to Talk with Roosevelt

Joseph M. Schenck, 20th Century-Fox chairman, left for Washington last night with William P. Philips, a company director and treasurer of the United Artists Theatre Circuit, and Jay Paley.

Schenck will confer with President Roosevelt today on infantile paralysis relief work, of which he is the Hollywood chairman.

Korda to Stay Abroad; Will Expand Work

Emanuel Silverstone to Represent Him Here



Emanuel Silverstone

London, Oct. 24.—Alexander Korda (London Films) is expanding his business in order that he may devote himself to duties on this side of the Atlantic more fully. He has named Emanuel Silverstone, his business representative in the United States, to the United Artists board of directors.

Korda is planning important changes at Denham. He will form at least two additional companies, one of which will be headed by Irving Asher. Korda not only will super-

(Continued on page 2)

Proposals Near In Trade Talks

Definite proposals by the distributors on a trade practice program will reach the formulation stage this week following a session with the Allied negotiating committee today and another meeting with a committee representing seven unaffiliated regional exhibitor groups tomorrow.

The full distributor committee, including S. R. Kent, William F. Rodgers, Ned E. Depinet, Gradwell L. Sears and Abe Montague, met with spokesmen for the unaffiliated organizations at the Astor yesterday morning. The exhibitor representatives later held a session to reconcile their demands. They will continue their discussions today.

The third session with Allied will get underway at 2:30 P. M. today at the Astor. Abram F. Myers, general counsel, and other committee members who went out of town following Friday's meeting are expected back this morning.

Find Few Film Workers Under Wage-Hour Act

(Continued from page 1)

that foremen who carry over from one six-hour labor shift to the next, will command the largest pay increases because of the overtime provisions of the law. The time and one-half for overtime is based on the salary earned by the individual, not on the Federal minimum. Thus the overtime for labor foremen at the studios, whose pay is substantial, may amount to one of the largest items under the application of the law to this industry.

Andrews Cites Exemptions

Washington, Oct. 24.—Employers who pay all their employes $11.05 per week—25 cents an hour for a 44-hour week—are not affected by the wages and hours law.

Executives who receive $30 per week or more are not included. Salesmen are not affected.

Those employed in a "professional capacity"—meaning those doing intellectual work, or work varied in character; those whose output cannot be standardized in relation to a given period of time and those performing tests requiring educational training apart from general academy training—also are exempt from the provisions of the act.

Practically all the executive titles both in production and distribution are outside the provision of the law.

There is some question as to whether house musicians are classed as "professionals" under the regulations.

Children employed as actors in pictures or theatrical productions are exempt.

About the only persons who seem to come definitely within the scope of the law are watchmen, office help, maintenance men and the like.

Form K. C. Trailer Firm

Kansas City, Oct. 24.—Beverly Miller, formerly with National Screen Service, and W. L. Norris, former independent distributor, have formed Trailer-Made Service of Kansas Ctiy to distribute trailers of the Trailer-Made Service, Inc., in western Missouri and Kansas.

Spitz Goes to Chicago

Leo Spitz left yesterday for Chicago. After a week's stay there he will continue to the Coast.

MITCHELL MAY, Jr.
CO., INC.
•
INSURANCE
Specializing
in requirements of the
Motion Picture Industry
75 Maiden Lane, New York
510 W. 6th St. Los Angeles

Insiders' Outlook

FOR those who like to turn back the pages of history May Irwin's death will uncover a film landmark of 1896. She was the stage star of the day and was appearing in "The Widow Jones" when Thomas A. Edison induced her to appear in a film called "The Kiss."

Terry Ramsaye in his history of films, "Million and One Nights," described it as a "persisting, adhesive osculation" . . . "a high vacuum kiss."

It was the sensation of the day and its importance to films has grown with the passage of time, because it shocked the moral elements of the day and was the forerunner of the agitation which brought on censorship.

▼ ▼

Films can be used with profit both by United States and Latin American producers to cement closer relations between the countries, with resultant business benefits, in the opinion of Laurence A. Steinhardt, U. S. Ambassador to Peru. Steinhardt has been in this country on a short business trip.

To use Steinhardt's own words, the United States and South American countries should "bend every effort in the immediate future toward bringing the two continents closer together by using the powerful instrument which is available to them."

He points out that the advancement of trade treaties should increase the demand for pictures. American stars are already popular in Latin America, but greater attention should be paid to proper dubbing and the superimposing of Spanish dialogue and titles.

▼ ▼

And the New York *World-Telegram* on last Saturday carried an announcement of the future party for Johnny Harris, which already had taken place, the week before at the Radio City Music Hall studio.

Purely Personal

MARC LACHMAN 20th Century-Fox exploitation head, leaves today for Washington and Annapolis to arrange showings of "Submarine Patrol" at the National Press Club and the Naval Academy.

•

Grace Olive Wiley, herpetologist, has arrived in town after work in Walter Wanger's "Trade Winds," and will be featured on the "Hobby Lobby" program tomorrow evening.

•

Jack Partington, Fanchon & Marco executive, is remaining on the coast a few days more in connection with the Al Pearce and his Gang broadcasts.

•

O. Henry Briggs, Pathe Film president, is due on the coast today. He is traveling by car and is expected back in two weeks.

•

Herman Maier, Warners' construction chief, has returned from London where he supervised the opening of the new Warner Theatre.

•

Hugo de Carril, Argentine singer, signed by Rafael Ramos Cobian for two Spanish pictures to be made on the coast.

•

Sam Dembow, Jr., of F. & M., is in St. Louis for conferences with Harry Arthur on local theatre operations.

•

Minnie Dupree has returned to New York after working in "The Young in Heart."

•

Harry Lachman, director, is en route to France to aid in the selection of films for Tri-National release here.

•

CHARLES B. GILMOUR, president of Theatre Owners and Managers of the Rocky Mountain Region, is here from Denver to represent his organization at trade practice conferences today.

•

Henry Ginsberg, Selznick International business manager, flew in from the Coast yesterday to visit his mother, who is ill.

•

Arthur Ungar arrives here Nov. 6, and will stop en route from the coast at Oklahoma City for the M.P.T.O.A. convention.

•

Andre Daven, French producer, and Albert Prejean, French film actor, are due on the *Ile de France* today.

•

Joseph H. Seidelman, Universal's foreign sales chief, returns from the coast at the close of this week.

•

Bob Taplinger, director of publicity for the Warner studio, will leave tonight by plane for the coast.

•

Harry M. and Mrs. Warner have deferred their departure for the coast to Thursday.

•

M. A. Schlesinger has returned from Washington.

End Magazine's Suit

Stipulations settling and discontinuing the suit of William L. Gross as assignee for Theatre Magazine Co. against 20th Century-Fox Film Corp. was filed yesterday in the U. S. District Court. Gross had filed a suit seeking an injunction and accounting in which he charged infringement of a *Theatre Magazine* cover.

Korda to Stay Abroad; Will Expand Work

(Continued from page 1)

vise over all, but will personally conduct the management of only unit.

Korda's production activities will be made more elastic. Denham will extend its production facilities to many firms now seeking to use that studio. Films for release by companies other than U. A. will be made there in greater quantity.

The pressure of his studio activities compels Korda to stay more steadily in England. He thus takes advantage of this pressure in his work to have Emanuel Silverstone replace him on the U. A. board.

Hitherto Korda has voted his directorship personally. Doing so has compelled him to come to the United States each time for that purpose. Now Silverstone will relieve him of this task.

Silverstone, 29, probably is the youngest ever to sit on a film board. He is well qualified. He is an alumnus of C. C. N. Y. and holds a law degree. Also, he is a member of Phi Beta Kappa. Before becoming business representative for Korda, young Silverstone was U. A. exchange manager at Cristobal. He is a brother of Maurice Silverstone, operating head of United Artists.

"Time" Trailers Started

National Screen Service has begun making trailers on March of Time releases. The first, on "Inside the Maginot Line," is now available. The trailers will show scenes from the releases.

Smith Sells Iowa House

Pella, Ia., Oct. 24.—Dan Smith has sold the Pella Theatre to C. A. and J. H. Anderson. They plan to build a new theatre but will continue operation of the old until the new one is completed.

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: Motion Picture Herald, Better Theatres, Teatro al Dia, International Motion Picture Almanac and Fame.

BUREAUS:—*Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address. Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

THE PERFECT TAKE-OFF!

"**'MEN WITH WINGS'** Technicolor scenes of brightly colored planes diving and zooming into the clouds will have you in the clouds too."

—Jimmy Fidler, N. B. C.

"**'MEN WITH WINGS'** is a thrilling saga of flight. Wellman's delicate use of color is indeed noteworthy. It's natural for the first time."

—Jimmy Starr, Drama Editor of Los Angeles Herald Express

"**'MEN WITH WINGS'** is perfectly cast, excitingly staged. Brings an understanding of aviation to us earthbound mortals. A personal tribute of Wellman to all aviators. A fascinating story of struggle, of small and great sufferings, setbacks and achievement down the pathless highways of the skies."

—George McCall, C. B. S.

"**'MEN WITH WINGS'** from the standpoint of technical accuracy, photographic beauty and really lovely color, does Paramount proud."

—Louella Parsons, Los Angeles Examiner

"**'MEN WITH WINGS'** is truly a story of the conquest of the air, of the heroes and heroines who have made that conquest so successfully. In this production lies the spirit of the pioneers, the builders, the dreamers of aviation. Their story will not be so graphically, so beautifully told soon again."

—George Fischer, Mutual Broadcasting

"**'MEN WITH WINGS'** is spectacular and thrilling."

—Robbin Coons, A. P. Feature Service

"**'MEN WITH WINGS'** No one who has the faintest interest in the men who build, test, develop and fly airplanes should miss this great achievement, the transference of the thrilling and romantic industry of aviation to the screen."

—Speed Kendall, Los Angeles Times

"**'MEN WITH WINGS'** is one of the best aviation pictures I have ever seen. It's much larger in scope than any other attempted filming of aviation history."

—Dean Owen, Billboard

"**'MEN WITH WINGS'** if only for the savage beauty of a single sequence, planes dogfighting in the sky, would be a picture to see but it has dozens of other recommendations."

—Harrison Carroll, King Features and Universal Service

"**'MEN WITH WINGS'** is the greatest visual treat an aviation picture has given us."

—Welford Beaton, Hollywood Spectator

"**'MEN WITH WINGS'** Paramount's Technicolor epic of the airways has set the local critics into a tailspin groping in the clouds for new adjectives. This cavalcade of aviation is a topflight attraction that soars to the peak of celluloid craftsmanship in every department. Bail out the SRO signs, your ship is coming in."

—Warren Stokes, Jay Emanuel Publications

"**'MEN WITH WINGS'** zooms to a new high among airplane epics and certainly should find an unlimited ceiling at the box office."

—Box Office

"MEN WITH WINGS"

Expect Delay Of Two Weeks On RKO Plan

Postponement for about two weeks of the RKO reorganization hearing scheduled for today before Federal Judge William Bondy is believed likely.

Judge Bondy has been sitting in the criminal part of the Federal court for several weeks and the press of work there has prevented him from studying final briefs in the RKO proceedings filed by counsel last week. Accordingly, no order confirming the reorganization plan is believed likely today.

Leading creditor groups may conclude their selections for the reorganized company's board of directors this week in order to submit them to the court at the earliest possible date. Lawrence Green, attorney, has been designated candidate for the board by general creditors. Other candidates, while not formally designated, are expected to include James G. Harbord and L. P. Yandell for RCA; Nelson Rockefeller and W. G. Van Schmus for Rockefeller Center; Peter Rathvon, Floyd Odlum and a third representative to be designated by Atlas Corp. One representative will be named by Lehman Bros. and the management will be represented by possibly three board members, with George J. Schaefer, newly designated company president, certain to be one of these.

In addition, the organized stockholders and bondholders represented by committees will have one representative each. Full membership of the initial board will be 15, it is expected.

Deutsch Again in Market for Para. British Theatres

(*Continued from page* 1)

pending negotiations, nor whether the American firms have consented to the Ostrer negotiations.

The powers behind the deal are anxious to conclude the Odeon-G.B. merger, before attempting to add the Bernstein and the G.T. theatres. Perhaps neither the Bernstein end of the deal nor the G.T. end may be consummated at all, should the G.B. part of the deal not go through.

All-told, the transaction involves 361 G.B. theatres, 164 Odeon theatres, approximately 35 Bernstein theatres and approximately 30 G.T. theatres, exclusive of Paramount's theatres which may be involved.

AFA Talks Scheduled

Managers of Broadway houses which use stage shows will meet this week with Harry Calkins, eastern organizer for the American Federation of Actors, for a discussion of relations with the Union. Among the subjects to be considered will be hours, wages and a provision for a closed shop.

Short to President

Hollywood, Oct. 24.—A print of the two-reel short, "The World Is Ours," exploiting the Motion Pictures' Greatest Year drive, has been sent to the White House for viewing by President Roosevelt.

Abt, U. S. Attorney, Leaves the Service

John J. Abt, special assistant to the Attorney General in the Government anti-trust suit against the eight major companies, filed notice yesterday in the U. S. District Court that he had severed his connection with the Department of Justice and that he was withdrawing as one of the attorneys of record in the case.

Harry Cohn filed notice of appearance in the suit and requested the Government to serve all further papers on his attorneys, Schwartz & Frohlich.

Grant, New Zealand Showman, Ends Stay

Los Angeles, Oct. 24.—Allyn Grant, head of a distribution-exhibition combine in New Zealand, has completed a six-month survey in England and the United States and will sail Wednesday for Wellington.

His trip is understood to be connected with an expansion program in New Zealand involving Greater Union Theatres, J. C. Williamson Picture Corporation and New Zealand Theatres, in which he holds executive positions. Grant controls and books for 200 theatres in addition to being New Zealand personal representative for John Maxwell, head of Associated British Pictures.

While in Hollywood Grant conferred with Republic and Monogram officials on product, for which his organizations are the outlet. He has gathered information on theatre operation and design and exploitation methods which will be applied to his New Zealand operations.

Program Details Complete For 4-Day MPTOA Sessions

Oklahoma City, Oct. 24.—Complete program for the four-day national convention of the M. P. T. O. A. has been arranged. The meeting begins Sunday at the Biltmore Hotel and will close Wednesday.

Sunday afternoon will be devoted to registration, to be followed that evening by the president's reception.

At 10:30 Monday morning the first business session will get under way in the Civic Room. The invocation will be read by the Rev. Kelly O'Neil, pastor of the Crown Heights Christian Church. The address of welcome will be delivered by Mayor J. Frank Martin of Oklahoma City and the response will be made by A. Julian Brylawsky, Washington. The annual report of President Ed Kuykendall will follow and announcement of special convention committees will be made. The morning session will close with the report of the committee on convention arrangements by Morris Loewenstein, general convention chairman.

Golden to Be First Speaker

At 2:30 P. M. delegates will hear first an address by N. D. Golden, chief of the Motion Picture Division of the United States Department of Commerce, on "The Exhibitors' Interest in the Foreign Market." Speakers and subjects to follow are: Leo Spitz, "Your Industry"; M. A. Lightman, "Importance of the Exhibitor in the Industry"; William F. Rodgers, "Trade Relations in Exhibition and Distribution"; Charles L. Casanave, National Screen Accessories, "Utilizing the Show Window of the Theatre"; Fred Wehrenberg, "Public Relations for the Local Theatre Operator."

Monday evening a men's party will be held in the civic room of the Biltmore Hotel and a ladies' party at the Oklahoma Golf and Country Club. A joint Hallowe'en party will follow.

Tuesday morning business sessions will be resumed. Invocation will be by Rabbi Joseph Blatt, Oklahoma City. First speaker will be Lewen Pizor, Philadelphia, president of the M. P. T. O. of Eastern Pennsylvania, Southern New Jersey and Delaware, speaking on "Contractual Relations Between Distributor and Exhibitor." Speakers and subjects to follow will be: Edward Golden, vice-president of Monogram Pictures, "Self Regulation vs. Government Regulation"; H. V. Harvey, San Francisco, president of the Independent Theatre Owners of North California, "The Problems of Delayed Allocation of Film Prices"; Harry Goldberg, Warner Theatres, "On the Fence Pictures"; an address by Herman Wobber, general sales manager of 20th Century-Fox Pictures; Harold Rodner, executive vice-president of the Will Rogers Memorial Fund, on the fund.

Tuesday afternoon's business session will begin with an address by Walter M. Harrison, managing editor of the *Daily Oklahoman* and *Oklahoma City Times*, on "The Newspaper and the Motion Picture." Speakers and subjects to follow will be: Hal Roach, "From the Producer's Point of View"; address by George J. Schaefer; Ed G. Levy, New Haven, general counsel for the M. P. T. O. A., "Important Court Decisions of 1938"; R. J. O'Donnell, general manager of the Interstate circuit, Dallas, "The Value of Short Subjects"; Ralph Talbot, Ralph Talbot Theatres, Inc., Tulsa, "First Run Theatre Problems."

Tuesday evening the Movie Ball at the Oklahoma City civic auditorium will be open to the public.

Open Forum Wednesday

Wednesday morning special convention committees will be heard and the open forum discussion will be led by the special committee chairmen as follows: committee on unfair trade practices, O. C. Lam, Rome, Ga.; conciliation and arbitration, Lewen Pizor; radio and non-theatrical competition, Frank Cassill, Kansas City; public relations and community affairs, Mitchell Wolfson, Miami; labor relations, Fred Wehrenberg, St. Louis; legislation and taxation, Judge Roy L. Walker, Lampasas, Tex.; resolutions, Arthur Lockwood, Middletown, Conn.; music tax, L. O. Luken, Seattle; entertainment values, H. C. Hayman, Buffalo.

Wednesday afternoon will be devoted to an open forum on exhibitor problems to begin immediately after luncheon. Unfinished business will be disposed of after the forum. The convention will close with a dinner-dance at the Oklahoma City Golf and Country Club Wednesday evening.

Renewal for U.A. Agreement Likely, Predicts Selznick

(*Continued from page* 1)

with the Wind" and that, "come what may, the best available actress for the Scarlett O'Hara role on that date will be the one to play the part." T[illegible] budget on the picture has been set at $2,500,000, Selznick said, and he estimates that it will be completed in four months. Present plans are to roadshow it starting next fall.

"Intermezzo" will be his next production. It will go into work in December and will be the first release on his new distribution contract.

Selznick said that with the addition of Merritt Hulburd as associate producer, his studio is in a position to make "two or three more pictures a year than heretofore," and that he probably will make a total of six to eight annually as a result.

He plans to remain in New York about a week on his return from Bermuda and will discuss a release deal with George J. Schaeffer, RKO president, then. Asked how he felt about being responsible for 40 to 50 features annually, Selznick replied with emphasis, "I wouldn't like it."

He was met at the train by Lowell Calvert of Selznick International and Lynn Farnol, advertising and publicity head of United Artists.

Decision on "Quiz" Extension Up Today

(*Continued from page* 1)

Variety Club banquet at Pittsburgh next Sunday. A weekend of entertainment, starting Friday night, has been arranged by John H. Harris, regional chairman of the drive and national head of the Variety Clubs.

George W. Trendle was named regional drive chairman for the Detroit area yesterday, replacing H. M. Richey, who resigned last week.

A total of 30 governors and 120 mayors have endorsed the drive to date and have urged public support for it, according to a report compiled by campaign headquarters.

Hubbard Back at M-G-M

Hollywood, Oct. 24.—Lucien Hubbard today rejoined M-G-M as an associate producer after a year and a half with Paramount. "On Borrowed Time" will be among his first assignments.

Siedelman on Coast

Hollywood, Oct. 24.—Joseph Siedelman, in charge of foreign operations with Universal, arrived here today for a week's conferences with studio heads.

YOU'VE NEVER SEEN THE LIKE OF IT!...

Warner Bros.'

ANGE
WITH D
FAC

LS

IRTY

ES

THE GREATEST SCREEN WALLOP THE WORLD HAS EVER KNOWN!

"Sinners" Is San Francisco Hit $19,000

San Francisco, Oct. 24.—Despite a city-wide box-office slump caused by strikes in various industries, "Sing You Sinners" with "Girls on Probation," grossed $1,900 at the Fox.

"Boys Town," with "Vacation from Love," pulled $8,200 in its third week at the St. Francis. "Drums" was strong at $7,400 in its fourth week at the United Artists.

Estimated takings for the week ending Oct. 18-21:

"Fugitives For a Night" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days. Stage: Vaudeville. Gross: $15,000. (Average, $16,000)
"Drums" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c-65c) 7 days, 4th week. Gross: $7,400. (Average, $7,000)
"Dracula" (Univ.)
"Frankenstein" (Univ.)
ORPHEUM—(2,440) (15c-35c-40c-55c) 7 days, 2nd week. Gross: $5,000. (Average, $8,500)
"Five of a Kind" (20th-Fox)
"Mysterious Mr. Moto" (20th-Fox)
PARAMOUNT—(2,740) (15c-35c-40c-55c-75c) 7 days. Gross: $7,000. (Average, $13,000)
"Sing You Sinners" (Para.)
"Girls on Probation" (W. B.)
FOX—($5,000) (15c-35c-40c-55c-75c) 7 days. Gross: $19,000. (Average, $17,000)
"Boys Town" (M-G-M)
"Vacation From Love" (M-G-M)
ST. FRANCIS—(1,400) (15c-35c-40c-55c-75c) 7 days, 3rd week (held over from Fox). Gross: $8,200. (Average, $7,000)
"Garden of the Moon" (W. B.)
"Campus Confessions" (Para.)
WARFIELD—(2,680) (15c-35c-40c-55c-75c) 7 days, 2nd week. Gross: $5,500. (Average, $13,000)
"South Riding" (U. A.)
CLAY—(400) (15c-35c-40c) 7 days. Gross: $1,000. (Average, $1,300)

Columbia Files Note Of Issue in US Suit

Columbia yesterday filed a note of issue in the U. S. District court here preparatory to obtaining a bill of particulars from the Department of Justice in the Government anti-trust suit. The company is the first to initiate the new procedure under which film companies in the proceeding will have at least until the middle of December to file answers to the Government's complaint.

Indications are that United Artists will file a distinct note of issue, as Columbia has done, but that Universal and the five companies having theatre affiliates will file similar bills in order to simplify the Government's procedure in answering. It is believed that the notes of issue will be filed by the other companies before the end of the week, and will be returnable Nov. 1, the date on which answers to the Government's complaint were due originally.

Balaban and Griffis See Films at Studio

Hollywood, Oct. 24.—Barney Balaban, Stanton Griffis and Neil F. Agnew are here for the semi-annual product discussions and consideration of the third and fourth quarters' product. Robert Gillham arrives tomorrow to join the conferences. The three spent the entire day in the projection room with Adolph Zukor and Russell Holman.

New York Preview

"The Citadel"

(M-G-M)

M-GM's British production organization has made a fine and moving picture of the best selling novel by A. J. Cronin of the same title. It is a human story of potentially wide audience appeal, revealing in unvarnished terms two sides of the medical profession. A foreword pointedly states that the delineation of certain doctors whose incompetence is equal only to their sales ability in catering to wealthy and neurotic women, is intended as an individual characterization and not an indictment of the profession.

Robert Donat plays the lead in the Cronin story of the struggling young Scotch doctor who, at tragic cost, realizes the difference between doctors who make their profession a money-grabbing game and those who believe there is a human responsibility attached to their work. Donat's work is splendid, and he is ably assisted by Rosalind Russell, both names which the American exhibitor can sell with no trouble. Likewise the origin of the film, the Cronin novel, and the opportunity to capitalize on solicited reactions from doctors of the community, should be of selling value to the wideawake showman.

Although the other members of the cast will not be known here, their work is uniformly excellent, with special mention due Ralph Richardson, as Donat's friend, whose life is the price Donat pays to learn his lesson, and Rex Harrington, as the high-priced "surgeon" whose incompetence causes Richardson's death.

If certain liberties have been taken with the context of Cronin's work, they were taken with a view to making the finished picture more palatable for the screen audience, and have not altered the basic theme, or made it less dramatic. Richardson has an idea for a pooling of medical service, of peculiar interest and significance by reason of the current high interest in socialized medicine.

Ian Dalrymple, Frank Wead and Elizabeth Hill have done an intelligent job of the screenplay, translating the novel's story into screen terms with skill. Victor Saville, producer, and King Vidor, who directed, have injected a maximum of dramatic force into the picture. The film concludes with Donat's realization of his obligations as a doctor and a stirring plea that medicine unshackle itself from fictitious ethics, as he defends himself from ouster proceedings before the medical society. Dramatic highlights spot the picture's course, against a background of the Scottish mining country and London.

Running time, 112 minutes. "G."* Charles S. Aaronson

Hollywood Preview

"Outside the Law"

(Darmour-Columbia)

Hollywood, Oct. 24.—In this picture Jack Holt turns from a two-fisted swinging fighter to another kind of a determined fighter. He is cast as a famous New York surgeon, but little action occurs in a hospital. Most of it happens in the backwoods mountain country of a southern state.

Accidently shooting a lad while hunting, Holt finds himself in a dangerous predicament. The ignorant mountaineers, headed by Paul Everton, lay doctor, want nothing to do with new fangled medical methods, being content with the old fashioned remedies prescribed by Everton. In the face of this opposition, superstition and bigotry, Holt opens a free clinic with Beverly Roberts as nurse and Noah Beery, Jr., son of Everton, as aides. Holt's big triumph is the prevention of an epidemic. Full recognition comes to him and the opposition surrenders when Holt cures Everton's daughter, Barbara Pepper.

Holt, Everton, Beery, Jr., and Miss Roberts are seen in convincing, sympathetic parts, and capable support is contributed by John Qualen, Charles Middleton, Helen Jerome Eddy, Arthur Aylesworth, Miss Pepper and Vic Potel.

Gordon Rigby wrote the original story and collaborated with Carlton Sand on the screenplay. Lewis D. Collins' directing technique not only took good advantage of Holt's different characterization, but kept dialogue, suspense and melodramatic action well balanced. Larry Darmour gave the piece quality production.

Running time, 65 minutes. "G."* G. McC.

---

*"G" designates general audience classification.

"Certain Age" Hits $27,700 In the Loop

Chicago, Oct. 24.—"That Certain Age" was the outstanding attraction in the Loop last week, grossing $[illegible]700 at the Palace.

"You Can't Take It With You," in a second week at the Chicago, held up to $32,000. "Boys Town," another holdover, gave the United Artists an excellent $19,500, and "Straight, Place and Show" at the Apollo was slightly over average the second week. Other business was fair.

The weather was cool and fair most of the week. Conventions helped business at night.

Estimated takings for the week ending Oct. 18-21:

"Straight, Place and Show" (20th-Fox)
APOLLO—(1,400) (35c-55c-65c) 7 days, 2nd week. Gross: $6,600. (Average, $6,500)
"You Can't Take It With You" (Col.)
CHICAGO—(4,000) (35c-55c-75c), 7 days, 2nd week. Stage: Vaudeville Revue. Gross: $38,000. (Average, $32,000)
"That Certain Age" (Univ.)
PALACE—(2,500) (35c-55c-75c) 7 days. Stage: Chester Hale Girls and Revue. Gross: $27,700. (Average, $19,000)
"The Chaser" (M-G-M)
STATE-LAKE—(2,776) (20c-30c-40c) 7 days. Stage: Verne Buck and Revue. Gross: $12,000. (Average, $13,000)
"Four Daughters" (W. B.)
GARRICK—(900) (30c-40c-50c) 7 days. Gross: $6,000. (Average, $6,500)
"Arkansas Traveler" (Para.)
ROOSEVELT—(1,300) (35c-55c-75c) 7 days. Gross: $9,500. (Average, $11,000)

Week Ending October 21:

"Boys Town" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days, 2nd week. Gross: $19,500. (Average, $15,000)

J. L. & S. Taking Over Oriental in Chicago

Chicago, Oct. 24.—Jones, Linick & Schaefer will take over operation of the Oriental shortly. The disclosure of policy and the signing of the lease is awaiting the return here of John Jones, from the east on Thursday. The house has been dark since it was closed by Balaban & Katz last spring.

It is expected that Jones, Linick & Schaefer will permit the State-Lake to go back to the leaseholder, B. & K., which would operate it as a first run. The Oriental probably would use "B" features and stage shows at a low admission, the current State-Lake policy. It is reported the Oriental rental will be much less than the $4,000 a week paid by B.&.K.

Balaban & Katz, UA Close Product Deal

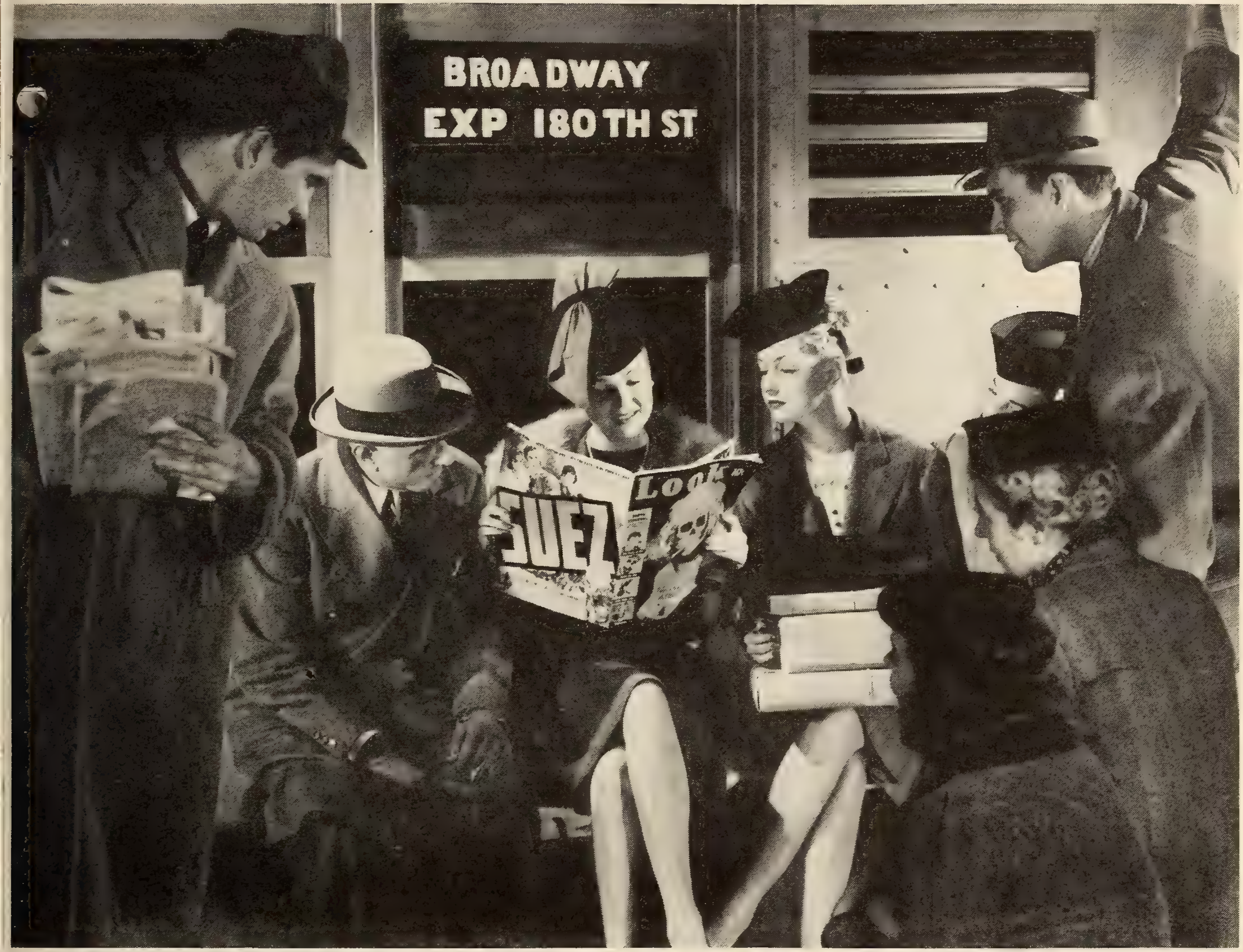
Chicago, Oct. 24.—The pending deal for showing of United Artists product in Balaban & Katz Loop houses has been closed, Irving Schlank, U. A. branch manager, said today.

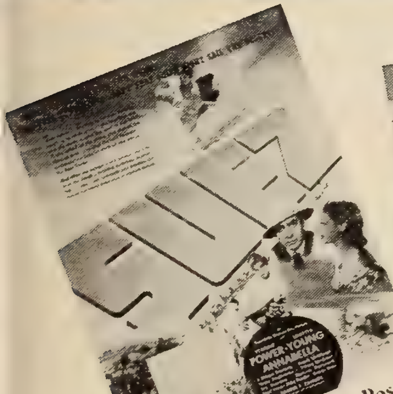
Closing of the deal halts reports that other circuits would get U. A. product for Loop runs if a B. & K. deal could not be negotiated.

To Open Movietone Plant

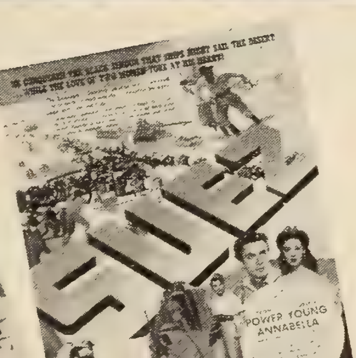
New Movietone studios will be opened at 3 P.M. today at 453 West 53rd St. Four stages with 15 000 square feet, a swimming pool with an under water camera compartment.

NATION READS OF "SUEZ" AS ROXY BUSINESS ZOOMS!

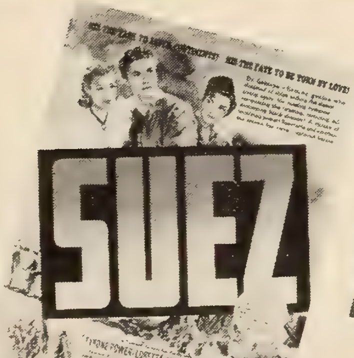

BROADWAY
EXP 180TH ST
Look
SUEZ


SUEZ
POWER-YOUNG
ANNABELLA

Saturday Evening Post and Life


SUEZ
POWER YOUNG
ANNABELLA

Collier's



Look

SUEZ
TYRONE POWER
LORETTA YOUNG
ANNABELLA

14 Fan Magazines

HELD FOR THIRD SMASH WEEK in New York, "Suez" opens in other important spots throughout country just as 20th's smash advertising campaign in magazines and newspapers smacks public!

THE KEYSTONE OF YOUR FUTURE

Berge Suggests Decentralizing of Anti-Trust Dept.

CHICAGO, Oct. 24.—Decentralization of the anti-trust division of the Department of Justice was recommended today by Wendell Berge, special assistant to the U. S. Attorney General.

Speaking before the annual convention of the National Oil Marketers' Association, Berge suggested a number of changes in enforcement of the anti-monopoly statutes, including drastic increases in both criminal and civil penalties for violation of the law.

Decentralization of the anti-trust division, he said, would permit the setting up of regional offices in important business centers, through which all complaints could be investigated and prosecutions brought locally, eliminating delays which now occur in the handling of all cases from Washington.

Amendment of the law to give the attorney general authority to subpoena witnesses was also suggested by Berge as a substitute for grand jury investigations. At present, he pointed out, investigators are at the mercy of the persons they interview and the department cannot force the production of evidence except by grand jury proceedings. Under his proposal, the attorney general could call for testimony and records, a power already enjoyed by the Commissioner of Internal Revenue and many state officials.

In dealing with penalties, Berge urged amendment of the Clayton Act to provide that any violation of the anti-trust laws by a company shall be a violation by each officer or director involved or having knowledge of the violation; an increase in maximum criminal fines to a degree commensurate with the magnitude of the offense; provision for civil actions for forfeiture against offending companies and their responsible officers and directors, and the strengthening of the laws by authorizing the Government to enjoin a business enterprise which violates the law from employing officers or directors who participate in the violation and to enjoin such officers or directors from continuing in such employment.

Pittsburgh Men Honored

PITTSBURGH, Oct. 24.—Honoring them on their recent promotions, Clarence Eiseman, Paul Krumenacker and Jules Lapidus were guests-of-honor last night at a testimonial dinner in the William Penn Hotel attended by more than 200 distributors, exhibitors and friends. Each was presented a gift.

Eiseman has been made United Artists exchange manager in New York, Lapidus becomes a district manager for Grand National and Krumenacker goes to Albany as exchange head for Warners.

FitzPatrick Returns

James A. FitzPatrick returned yesterday from a Caribbean cruise during which he made arrangements to film scenes for Traveltalks. Robert Carney and Howard Nelson, cameramen, are remaining on location to complete the productions.

Dance After Films

Manitowoc, Wis., Oct. 24.—New wrinkle in showmanship was introduced Oct. 22 by R. S. Guiterman at the Capitol. The house has booked Casper Reda's orchestra for three weeks and is permitting dancing on the stage after the final show at 10:30 P. M. nightly for the price of the regular admission until midnight. After midnight a charge is made for dancing.

In addition to playing for dancing, the orchestra plays a symphonic overture at each evening show and is also on the air from the stage of the theatre over WOMT for 15 minutes each night.

Hearings Started on Cartoon Union Plea

HOLLYWOOD, Oct. 24.—Hearings on the joint petitions of the Federation of Screen Cartoonists to be declared bargaining agency for screen cartoonists, and of the Society of Motion Picture Film Editors for certification as bargaining agency for editors and cutters at the Walt Disney plant opened today before N.L.R.B. Trial Examiner William Ringer.

Taking of actual testimony was delayed, however, to permit the I.A.T.S.E. to intervene on behalf of its four locals which claim jurisdiction. First witnesses to take the stand were Edmund O. Hannan, president of the S.M.P.F.E., and Robert Cook, who described the work of editors employed by Disney. The I.A.T.S.E. is expected to present its case tomorrow.

Dispose of 7 Games Cases in Birmingham

BIRMINGHAM, Oct. 24.—Seven lottery cases growing out of the use of Bank Night here in December of last year have been disposed of before Judge Leigh M. Clark in Circuit Court. One defendant was fined $100 and costs in a case appealed from City Court while the six other cases were nolle prossed.

Lack of evidence and the fact that Bank Night has been discontinued were reasons given for nolle prossing the cases. T. W. Williams of the Woodlawn was fined $100 and costs. Other defendants were N. H. Waters, operator of the Waters circuit; J. M. Waters, Harry W. Roberts, W. L. Thornton and Arnold Gary.

Operators Ask 48% Pay Raises by ITOA

A 48 per cent increase in salary and two weeks' vacation with pay instead of the present one week were asked of independent theatres yesterday by Local 306 at the start of the negotiations on revision of the existing 10-year pact.

An I.T.O.A. committee consisting of Stanley W. Lawton, Hyman Rachmil, A. Cohen and John Manheimer met with an operators' committee headed by Wally Byrne, business agent, at the Astor.

Another meeting will be held following the next I.T.O.A. membership meeting Nov 2.

Van Schmus Heads Red Cross Appeal

W. G. Van Schmus, managing director of the Music Hall, has been named chairman of the Motion Picture Group in the annual Red Cross drive for funds which will start Nov. 11 and continue through Nov. 24.

"The Red Cross is a part of each one of us," says Van Schmus, "just as much as the hat we wear—in other words you know all about it. But you may not know that this one great universal agency for relief has not in the past had the support which it should have had from people as traditionally liberal and generous as the motion picture crowd."

Van Schmus also points out that aside from the hurricane, flood and disaster activities of the national Red Cross the New York Chapter has cared for 12,000 disabled, needy veterans during the past year; has obtained employment for 1,600; has given free training in first aid, life saving and home nursing to thousands of Manhattan-Bronx women; has provided nutrition guidance for 1,200; has furnished brailled books for the blind, and has distributed 100,000 magazines to hospitals. In addition it has helped provide Christmas cheer.

Trade Commission Ad Group Made Division

WASHINGTON, Oct. 24.—Establishment of a new division to take over the work of the special board of investigation which since 1929 has been entrusted with the examination of newspaper, magazine and radio advertising was made known today by the Federal Trade Commission.

The new board will be known as the Radio and Periodical Division and will be under the directorship of P. B. Morehouse, since 1930 a trial attorney for the commission.

It was explained that the work of watching radio and printed advertising has reached such proportions that it was felt entitled to the status of a division. Since its creation the Board of Investigation has been expanded steadily, and the change was largely for administrative purposes.

Prepare Answers in Phila. Trust Action

PHILADELPHIA, Oct. 24.—Major distributors and circuits are preparing answers to the anti-trust suit filed in Federal court late last month by Harry Fried, exhibitor. A hearing on the preliminary injunction asked is expected during November.

The action is based on the clearance schedule for Warners' Ardmore as they relate to Fried's three subsequent runs in the same competitive territory and to the product situations affecting the Warner house and his own. He asks an injunction to eliminate the clearance over his own theatres and to restrain the defendants from alleged overbuying of product.

Gerald Rackett to Boston

HOLLYWOOD, Oct. 24. — Gerald Rackett, Technicolor vice-president and laboratory superintendent, left here for Boston to meet Dr. Herbert Kalmus. Both will attend the S.M.P.E. convention in Detroit next week.

Rules Bank Night Law in Kentucky Unconstitutional

LOUISVILLE, Oct. 24.—Acting Circuit Judge R. P. Dietzman has declared unconstitutional the theatre Bank Night law passed by the state legislature last year. The court, promising a later memorandum on which an appeal may be based, declared the legislature exceeded its authority in enacting the amendment to the law which made lotteries illegal, and which stated that no special privileges could be granted.

State's Attorney General Hubert Meredith is studying the legality of the "Movie Quiz" contest, part of the Motion Pictures' Greatest Year drive.

"Kildare" 1st Metro To Play Music Hall

"Young Dr. Kildare," which opens at the Music Hall on Thursday, will be the first M-G-M film to be booked at the theatre. Five days of "The Mad Miss Manton" indicate a $75,000 week there.

At the Roxy, "Suez" continued strong with $30,295 over the weekend for a total of $92,657 for 10 days. It will be held for a third week. "Stablemates" will be kept for a second week at the Capitol. "The Sisters" will begin a third week at the Strand on Thursday, with "Brother Rat" next.

"If I Were King" ends four weeks at the Paramount today to make way for "Men With Wings" tomorrow. $36,000 is indicated for the fourth week. "Service De Luxe" is grossing well at the Rivoli. "Youth Takes a Fling" took $15,000 there last week. "Marie Antoinette" enters its eleventh week at the Astor today with $6,500 reported for the tenth.

"This'll Make You Whistle," a Herbert Wilcox production, will have its American premiere at the 55th St. Playhouse on Monday after "Edge of the World" ends a seven-week run. "Grand Illusion" starts its seventh week at the Filmarte today.

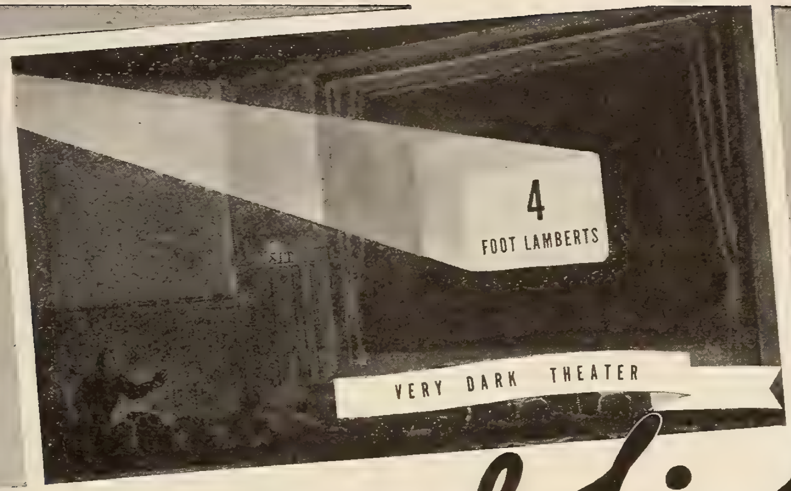
David Loew to Take South American Trip

David L. Loew plans a two-month vacation in Central and South America. He will sail with Mrs. Loew Nov. 5 on the *Santa Lucia* to meet his brother, Arthur Loew, in Panama, and the two will continue to South America from there, returning about Dec. 27.

David Loew arrived from the coast by train yesterday. He said he had no commitments for the immediate future and had discussed no deals with anyone.

Hart Testimony Started

Trial of the $500,000 damage suit of Mary and William S. Hart against United Artists Corp. started yesterday in the N. Y. Supreme Court before Justice Bernard L. Shientag and a jury. The greater part of the day was taken up with the testimony of Hart, who claimed that in 1925 he had a contract with the defendant for the distribution of "Tumbleweed."



How Much Light

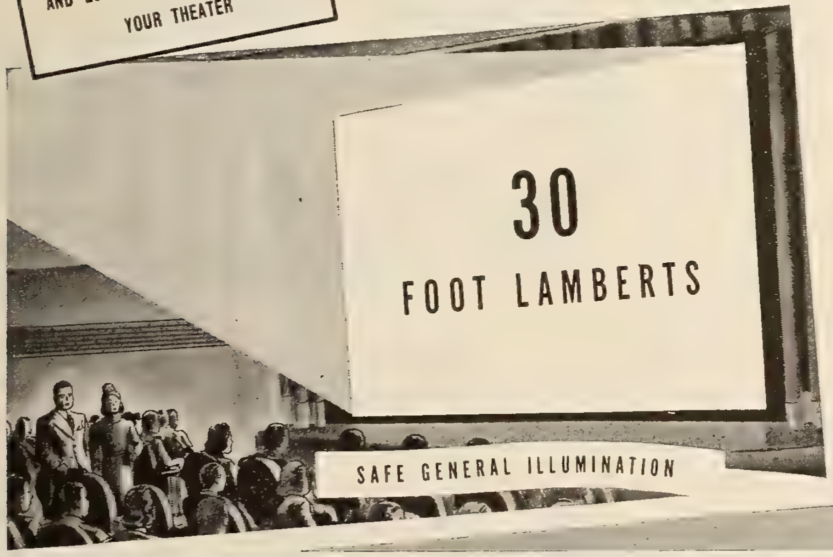
ARE YOU PUTTING ON THE SCREEN?

SCREEN BRIGHTNESS MAY MEAN THE DIFFERENCE BETWEEN PROFIT AND LOSS IN THE OPERATION OF YOUR THEATER

30 foot lamberts* is considered the ideal screen brightness. 7 to 14 foot lamberts is recommended as the minimum range of brightness for satisfactory vision. Yet some theaters have a screen brightness of only 2 to 4 foot lamberts.

Our eyes adjust themselves to a brightness as high as 10,000 foot lamberts in summer sunlight. So the brightest screen is not too brilliant for comfort if the level of surrounding illumination is sufficient to avoid disturbing contrast with the screen. But there is a lower limit beyond which the average person cannot see with clearness and comfort.

Keep your screen brightness safely above this limit. Provide light enough for the poorest and slowest eyes in your audience. Simplified High Intensity projection will do it. *Ask your dealer to show you the profit possibilities and the surprisingly low cost of this new projection light.*



---

* The foot lambert is the standard unit of brightness.

SIMPLIFIED *High Intensity* PROJECTION

WITH "NATIONAL" "SUPREX" CARBONS

ECONOMICAL AND MODERN

NATIONAL CARBON COMPANY, INC.
Unit of Union Carbide UCC and Carbon Corporation
CARBON SALES DIVISION, CLEVELAND, OHIO
General Offices: 30 East 42nd Street, New York, N. Y.
BRANCH SALES OFFICES: NEW YORK PITTSBURGH CHICAGO SAN FRANCISCO

Copyrighted 1938—National Carbon Company, Inc

Busy Hearing Week on Tap For the FCC

WASHINGTON, Oct. 24.—The Federal Communications Commission has set hearings during the current week as follows:

Oct. 26, before an examiner: Applications of South Nebraska Broadcasting Co., for a 920-kilocycle station at Hastings, Neb., with 1,000 watts night, 5,000 watts day; KROC, Rochester, Minn., for change of frequency from 1,310 to 920 kilocycles and increase of power from 100 watts night, 250 watts day, to 500 watts night, 1,000 watts day.

Oct. 27, before the commission: Applications of Eastern Carolina Broadcasting Co., for a 1,370-kilocycle, 100-watt station at Goldsboro, N. C., and WRBL, Columbus, Ga., for change of frequency from 1,200 to 1,330 kilocycles and increase of power from 100 watts night, 250 watts day, to 1,000 watts; WPRA, Mayaguez, P. R., for change of frequency from 1,370 to 780 kilocycles, extension of time from specified hours to unlimited and increase of power from 100 watts night, 250 watts day, to 1,000 watts night, 2,500 watts day; WNLC, New London, for extension of time from day to unlimited, and WDAE, Tampa, for change of frequency from 1,220 to 780 kilocycles.

Oct. 28, before an examiner: Applications of Cascade Broadcasting Co., Inc., for a 1,420-kilocycle station at Everett, Wash., with 100 watts night, 250 watts day, and KRKO, Everett, Wash., for extension of time from sharing to unlimited and increase of power from 50 watts to 100 watts night, 250 watts day.

The commission also has assigned tentative dates for future hearings, as follows:

Nov. 2, before an examiner: Applications of Eastern Nevada Broadcasting Co., for a 1,500-kilocycle, 100-watt daytime station at Ely, Nev.; Cuyahoga Valley Broadcasting Co., for a 1,500-kilocycle, 100-watt daytime station at Cleveland, and WHAI, Greenfield, Mass., for extension of time from day to unlimited with 100 watts night, 250 watts day.

Jan. 9, before an examiner: Applications of Lawrence J. Heller for a 1,310-kilocycle station at Washington, D. C., with 100 watts night, 250 watts dav, and KGNO, Dodge City, Kan., for increase of power from 250 to 500 watts.

Jan. 23, before an examiner: Application of WFIL, Philadelphia, for increase of day power from 1,000 to 5.000 watts.

Feb. 6, before an examiner: Applications of Kingston Broadcasting Corp., for a 1,500-kilocycle, 100-watt daytime station at Kingston, N. Y., and WCBS, Inc., for a 1,290-kilocycle, 1,000-watt station at Springfield, Ill.

WMCA in Chicago Office

WMCA has opened a Chicago sales office, with John Mackenzie Ward and G. B. McDermott as account executives in charge. The new sales unit will provide consultant facilities for programs as well as promotion and sales data.

Radio Personals

JACK SALTER, vice-president of Columbia Concerts, Inc., off to attend the openings of several of the stars on the Evans & Salter list. The trip will take him to California, and will include attendance at the joint Nino Martini-Helen Jepson concert in Atlanta, Igor Gorin's appearance with the Chicago Women's Symphony and Yehudi Menuhin's opening concert with the Los Angeles Symphony. . . . Myron Selznick, Ltd.,, has set a guest appearance for Raymond Massey on the Magic Key program Nov. 6. Deal was arranged by Herman Bernie. . . . Alex Holden, manager of Hal Kemp and Skinnay Ennis, in town to set Kemp's vaudeville tour, which begins Nov. 6. . . . Stuff Smith's orchestra set to do a week at the Howard in Washington starting Nov. 25. . . .

+

The "Merry Macs," quartet featured on Fred Allen's program, and the Al Donahue orchestra have been signed to make shorts for Warners. . . . Passengers on United Airliners to the coast last night were Frank Parker and Irene Rich. . . . John Reed King, CBS announcer, is the father of a girl, Joan English King. . . . Earl H. Gammons, of WCCO, Minneapolis, is in town for the week on business. . . . John Brownlee, Australian baritone of the Metropolitan Opera, left last night on a concert tour which includes roles with the Chicago Civic Opera and Chicago Civic Opera companies.

Hays to Do 2 Radio Talks During Week

Will H. Hays is scheduled for two radio talks this week. Today he will speak for about 10 minutes over NBC in the *Herald-Tribune* Forum, which this year is devoted to the general topic of "Keeping the Mind of the Nation Young." Hays will, of course, explain the application of films.

On Sunday, Hays will speak for four minutes at 2:30 P. M. in connection with the 150th anniversary of the General Assembly of the Presbyterian Church. Hays is an elder in the church.

Linton Wells on Tour

Linton Wells, radio commentator, has left New York to make personal appearances in 15 cities and to fill a guest engagement with the Lux "Radio Theatre" in Hollywood Nov. 7. Mrs. Wells, who is accompanying him, also will appear on the Lux hour.

From Hankow

From Hankow today at 6:05 P. M. NBC will present Paul Dorsey in a broadcast in which Dorsey will give an eyewitness account of some of the recent battles of the Sino-Japanese war. Dorsey, a newspaperman and photographer, went to China on assignments from NBC and a news syndicate.

Talent Lined Up for Night of Stars Show

Eddie Cantor, Irving Berlin and Al Jolson will head the list of more than 400 stars of stage, screen, radio and opera who will participate in the fifth annual "Night of Stars" at Madison Square Garden, Nov. 16 for the benefit of settlement in Palestine for Jewish refugees from Europe.

Ben A. Boyar, associate chairman, heads a producing committee here, while Louis K. Sidney of M-G-M, producing committee chairman, is handling the coast group. Cantor, Jolson, George Jessel, Harry Hershfield, Milton Berle and Henny Youngman will alternate as masters of ceremonies.

Philip Morris Will Drop Quiz Program

Although the order has not come through officially yet, it is learned that the Philip Morris Co. will not continue its present show on Mutual, "What's My Name?" a quiz series handled by Budd Hulick and Arlene Francis.

Pet Milk Renews Series

Pet Milk Co. sponsoring Mary Lee Taylor, home economist over CBS, 57 stations coast-to-coast Tuesdays and Thursdays, has renewed the show for another year, effective Nov. 1.

New Shows on the Air

"No School Today"

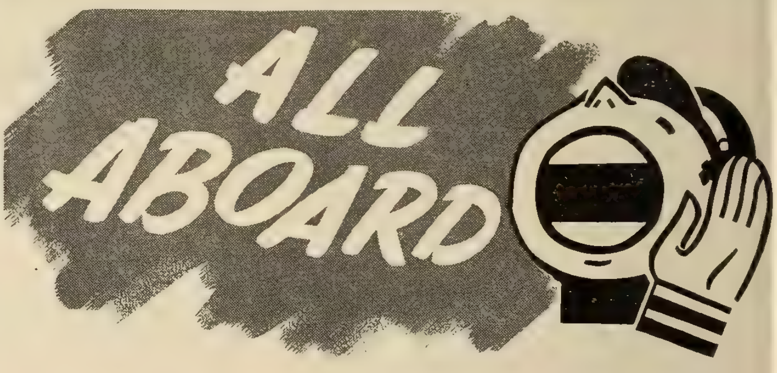
"No School Today" on NBC remains one of the best children's programs radio has to offer. Its [illegible]nstays are "Jolly" Bill Steinke, Fields and Hall, and Kel Keech, all veterans in the difficult task of providing suitable yet pleasant entertainment for juveniles.

Steinke burdens the script side of the program, serving as "Editor Bill" for the *Junior News Safety Reporter*, a publication sponsored by the program to promote the safety idea among youngsters. A suitable prize is given to the listener who each week writes the best slogan for the movement. Steinke also gives readings of news that might interest youngsters. Fields and Hall work pleasantly in song, and Keech serves as "em cee." The program is presented Saturdays on the NBC-Red at 11 P.M.

BANNER

Howard Talks at WCPO

CINCINNATI, Oct. 24.—Jack Howard, president of Scripps-Howard Radio, Inc., is in town conferring with officials of WCPO, *Cincinnati Post* clear channel station.



For **OKLAHOMA CITY**

18th (and Biggest) Annual Convention of

M.P.T.O.A.

October 30th through November 2nd at the Hotel Biltmore

Be There! Everybody Else Will!

Rates: $2.50 up. Reservations: J. C. Rader, Biltmore Hotel, Oklahoma City, Okla.

Alert.
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 44. NO. 82 NEW YORK, WEDNESDAY, OCTOBER 26, 1938 TEN CENTS

NAB Opposes Proposed Ban On Liquor Ads

Miller Declares Unfair Precedent Involved

WASHINGTON, Oct. 25.—Strong protest against any action barring liquor advertising from radio while permitting it through other media was voiced today by Neville Miller, president of the National Association of Broadcasters.

The demand of the broadcasters for equal treatment with other advertising media was made by Miller at a meeting called by the Federal Alcohol Control Administration to discuss uniformity in advertising.

Radio has consistently been conscious of its social responsibilities and has cooperated with liquor organizations and Government in applying restraints, he said, insisting that it would be a very dangerous precedent to enact legislation or adopt regulations prohibiting broadcast advertising without imposing similar restrictions on other forms of publicity.

Adjourn Hearing On RKO to Nov.22

Federal Judge William Bondy today adjourned the hearing on the confirmation of the proposed plan of reorganization of RKO to Nov. 22 at 2:30 P. M. and indicated that several questions concerning the plan would be considered at length by him. Judge Bondy remarked that the briefs which were submitted were so voluminous that because of the pressure of duties in the motion department of the court it might require a week or more to go through them.

The judge stated that he was already working on the question of the confirmation but that there was no assurance that he would be able finally to render a decision Nov. 22.

Warners Close Deal With Gaumont, Paris

Warners have closed a deal with the Gaumont Theatre Circuit, Paris, for distribution of their product in the circuit's 20 houses, 10 of which are Parisian first runs. The first film to be played under the deal will be "The

(*Continued on page* 4)

Radio—Page 8

Reject Suit Truce

Chicago, Oct. 25.—Chances of an early settlement of the independent exhibitors' anti-trust suit against B. & K. and major distributors were dimmed today when Illinois Allied members voted to instruct their attorneys to proceed with the litigation despite the serious setback experienced last week when the Federal court refused their application for a preliminary injunction pending trial.

Local defendants are inclined to regard the vote as a tactical maneuver.

"King" Sets 4-Week Mark at Paramount

New attendance record of 428,000 admissions for four weeks at the Paramount was set by "If I Were King" when it ended its run last night. The last week's take of $35,000 brought the total gross to $205,000, a new four-week high. After a special preview last night, "Men With Wings" is set for an indefinite run.

"Suez" at the Roxy and "The Sisters" at the Strand are held over. No closing date has yet been set for the horror double, "Frankenstein" and "Dracula," at the Rialto. "Young Dr. Kildare" will have its premiere at the Music Hall tomorrow. "Five of a Kind" will open at the Globe on Saturday after a three-week run for "Dark Rapture." At the Belmont, "Irish and Proud of It," Guaranteed release, will start Saturday.

SCREENS MUST BE FREE, SAYS HAYS

Coordination of Four A's Awaits Gillmore's Return

Return next week of Frank Gillmore, president of Associated Actors and Artistes of America, is expected to stimulate efforts to coordinate the work of the 11 member unions and give the parent body greater power. It is known that a great portion of the actor membership resents the necessity of carrying additional cards for work in allied fields. Some members of the American Federation of Radio Artists pay dues to five separate organizations.

In areas where each union has a small membership, it is planned to have one office which will act for all. At the present time, regional offices are a major problem. On the coast and in New York, officials hope to set up all offices in one building so that time now spent settling jurisdictional problems can be minimized.

Until methods of elections, handling of each group's special problems and representation can be worked out, there is little hope for any major changes. The constitutional amendments that would be required to effect any change cannot be passed until each union holds a membership meeting. Sentiment among members, however, is strong for a change and some efforts in that direction may be expected shortly.

At Herald-Tribune Forum Industry Head Hits At Propaganda

Will H. Hays, president of the Motion Picture Producers and Distributors of America, addressing the *N. Y. Herald-Tribune* Forum, yesterday, at the Waldorf-Astoria, called American motion pictures a symbol of liberty and he pointed out that the screen is a free medium and urged that it be kept free. Approximately 2,500 heard his speech. It was broadcast over the NBC Blue network.

Hays paid tribute to the public spirit and sincerity of the men and women in the business. He said:

"We who are concerned in the management of this industry regard ourselves as trustees for the eighty-five million owners who every week in this country alone see motion pictures.

"These eighty-five million desire neither political censorship nor the substitution of advertising for the

(*Continued on page* 4)

"Quiz" Extension Plan Voted Down

No extension of the "Movie Quiz" contest beyond Dec. 31 is to be made. This was decided yesterday at a meeting of the executive committee of the Motion Pictures Greatest Year Drive. Majority opinion of regional chairmen was against an extension, it was found.

Since the idea of lengthening the campaign was broached about two weeks ago opinion has been sought in the field. Yesterday's decision was based upon sentiment gathered by the regional heads.

George J. Schaefer issued a statement in which he said the original dates, Sept. 1 to Dec. 31, were chosen with the idea that public interest could be maintained that length of time. It was felt, the committee indicated, that an extension would "not be keeping faith with the public."

More than 30.000,000 booklets have been distributed, it was pointed out, and these contain the specific statement that the contest will end Dec. 31.

U.S. Film Companies Start Ending Italian Activities

American distribution companies operating their own branches in Italy began liquidation of their properties in that country early this week, it was learned here yesterday.

The liquidating process will be continued through the next two months on a scale calculated to complete the move by Dec. 31, the date on which the Italian decree establishing the E. N. I. C. as a government controlled monopoly for distribution of foreign films in Italy becomes effective. The liquidation follows upon Italy's official refusal to modify the decree in any manner. As a result, unless Italy reverses its present stand during the next two months, all American companies will be out of business in that country by the end of the year.

The companies which operate their own branches in Italy and have begun to liquidate them are Warners, Loew's, Paramount and 20th Century-Fox. The other four major companies, RKO, United Artists, Universal and Columbia, distribute through Italian sales representatives. In consequence, they have no physical property to liquidate and their contracts with their sales representatives will be terminated as of the effective date of the decree, if there is no change in the situation before that time.

Film shipments to Italy were discontinued earlier by all majors.

Schaefer and RKO

GOOD judgment has been shown in selecting George J. Schaefer to run RKO. RKO is to be congratulated. The trade knows Schaefer and it is proud of him. He is honest and capable.

RKO is in the black now. Leo Spitz did this. Spitz lent dignity to RKO, infused courage into the operations and inspired devotion to duty. It takes a good man to follow Spitz.

George J. Schaefer

Schaefer is that kind. He is a showman. Spitz fought against great odds and factional differences to straighten out RKO. Schaefer is a fighter, too.

In accepting the job, Schaefer takes on the toughest operating task in the industry, notwithstanding what has already been accomplished for RKO, by Spitz.

Running RKO has always been a tough job. It is no secret, in the trade or elsewhere, that there has been in RKO too much outside non-showman influence. There has been factional ownership and divided loyalty. Receivership nor bankruptcy wiped this out.

But Schaefer is an experienced administrator. He is qualified. Schaefer is not an overnight product of the business, or the bankers. He has had the greatest teachers. Having been a protege and disciple of Sidney R. Kent is Schaefer's greatest business asset. Under Kent's tutelage, Schaefer developed into industry leadership. And Schaefer has been fortunate additionally in having the friendship and constant counsel of Spitz for many years.

Until RKO emerges from 77b, Schaefer has limited authority only. Irving Trust Company, RKO trustee, still is in charge.

After reorganization, RKO will continue to be profit-making and successful only insofar as the powers that be, in their good judgment, turn over the operating reins of the company fully to Schaefer, and factional differences are eliminated. S. S.

Insiders' Outlook

"DURING the period of his service," reads a resolution adopted by the directors of K-A-O following the resignation of Leo Spitz, "we, his fellow directors, through intimate association with him, have had ample opportunity to observe his great zeal and energy in the performance of his duties and to appreciate the great benefits which have flowed to our company through his wide experience in and thorough knowledge of the problems of the motion picture industry . . . express our deep regret in the acceptance of his resignation, and our sincere and earnest wishes for the continuance of his interest in the motion picture industry and for a long and happy association with it."

▼ ▼

Carl E. Milliken, M.P.P.D.A. secretary, will speak at the Northeastern Ohio Teachers' Association convention in Cleveland Friday on the educational values in motion pictures.

▼ ▼

Stephen Pallos, general sales manager of London Films (Korda), who has been here several weeks for home office conferences with Maurice Silverstone, operating head of United Artist and other U. A. executives, sails Friday, for London, aboard the *Queen Mary*.

▼ ▼

Ed Kuykendall's reelection to the M. P. T. O. A. presidency for another year is accepted as a foregone conclusion in the organization's ranks. Other possible candidates have declined to run. It will be Kuykendall's sixth year as M. P. T. O. A. head. Four of his past five years in office have been directed toward the acceptance by the industry of a plan of self-regulation of trade practices for exhibition and distribution. With a definite program near at hand, the M. P. T. O. A. membership is anxious to continue Kuykendall in his present post in order to see it an accomplished fact. The annual election of officers will open the M. P. T. O. A. convention at Oklahoma City Sunday.

▼ ▼

Both the Palace and Harmanus Bleecker Hall in Albany went out of pictures into politics one night this week. The Democrats hired the Palace for Governor Lehman and his colleagues, while the Republicans took over the Hall for Thomas E. Dewey.

▼ ▼

When fires broke out in the Adirondack forests near Speculator, N. Y., Harry Gallup, who operates the Adirondack there, abandoned theatre operation to join the forest rangers in their fire fighting, while Mrs. Gallup ran the theatre.

▼ ▼

Months ago, Stuart F. Doyle of Australia fussed the trade press with word that he would construct and operate a new theatre chain in South Africa. Up to that time, it seemed, Doyle had never even seen the British-Dutch Veldt. In the meantime, relations between United Artists and South African Theatres (Schlesinger) have been more strongly welded. Relations between these firms have never been at a more amicable point.

▼ ▼

Charles Curran collaborated with Lawrence Kemble on the screenplay, "Jane Arden," which Warners intend to film. Curran is a former advertising man, having served here with Warners, under S. Charles Einfeld, and more recently with the advertising firm of Donahue & Coe. Curran's assignment at the Warner studios runs out Oct. 29.

Goltz Named Head of U. A.'s Tokyo Branch

Joe Goltz, who has been with M-G-M for the past 10 years in South America and the Orient, has been named by Arthur W. Kelly to take charge of United Artists' office at Tokyo. He will succeed A. A. Lowe, who will return to the New York office for a vacation before receiving another assignment.

Goltz will sail for his new post Oct. 29 on the *Empress of Asia*.

Herbert Ampa Guest

Hugh Herbert is scheduled to appear at the Ampa meeting tomorrow at the Astor which will start off the ad men's activities for the season. The main speaker will be Maurice Silverstone, general manager of United Artists. The committee is arranging a program of entertainment.

20th-Fox Plays Host At Movietone Studio

Twentieth Century-Fox yesterday was host to many industry figures at a reception marking the official opening of the new Movietone studio, the newest addition to what the company calls "Manhattan's Movietone City."

The studio, at 53rd St. and 10th Ave., adds 7,500 square feet of studio space to Movietone's facilities.

The space will be initiated week after next with the shooting of the second of Vyvyan Donner's color shorts on fashions, utilizing the swimming pool and underwater compartment which is a part of the stage.

Retitle "Spring Dance"

HOLLYWOOD, Oct. 25.—"Spring Madness" will be the release title of M-G-M's "Spring Dance."

Coast Busy on 34; 7 Start; 12 Finish

HOLLYWOOD, Oct. 25.—Thirty-four pictures were before the cameras at the start of the week, as seven started and 12 finished. Twenty-seven are in final stages of preparation, and 65 are being edited.

Those started were: "Life Is Cheap," Columbia; "Idiot's Delig[illegible] and "New York Cinderella," M-G-M; "Little Tenderfoot," Monogram; "Pacific Liner," RKO; "Bloom on the Sage," Republic; "Plane 66," Universal.

In addition, those shooting were: "There's That Woman Again," "International Spy" and "Wreckage," Columbia; "Dramatic School," "Ice Follies," "Stand Up and Fight," "A Christmas Carol," "The Wizard of Oz" and "Katharine the Last," M-G-M; "Ambush" and "Cafe Society," Paramount; "The Pure in Mind," "Love Affair" and "The Great Man Votes," RKO; "Orphans of the Street," Republic; "Jesse James," "Kentucky," "Tail Spin," "The Little Princess," "Thanks for Everything" and "The Three Musketeers," 20th Century-Fox; "Little Tough Guys in Society," "The Eagle Scout," "Ghost Town Riders," "The Dead Don't Care," Universal; "Dark Victory," "Oklahoma Kid," Warners.

Finished were: "Trail of the Tumbleweed," Columbia; "Out West with the Hardys" and "Spring Dance," M-G-M; "Gunda Din," RKO; "Santa Fe Stampede" and an untitled Roy Rogers vehicle, Republic; "Made for Each Other," Selznick; "Samson and the Ladies," "A Bundle of Joy," 20th Century-Fox; "Buck Rogers," Universal; "Secret Service in the Air," Warners.

The only activity in the short subjects field is that at M-G-M, where two are shooting. Four are being prepared—three at M-G-M and one at Warners. Seven are being edited.

Delay MPTO Meeting

SEATTLE, Oct. 25.—The annual convention of the Motion Picture Theatre Owners of Washington, originally scheduled for Oct. 28, has been postponed until Nov. 18. The change was made to bring the local session after the national M.P.T.O.A. convention in Oklahoma City.

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

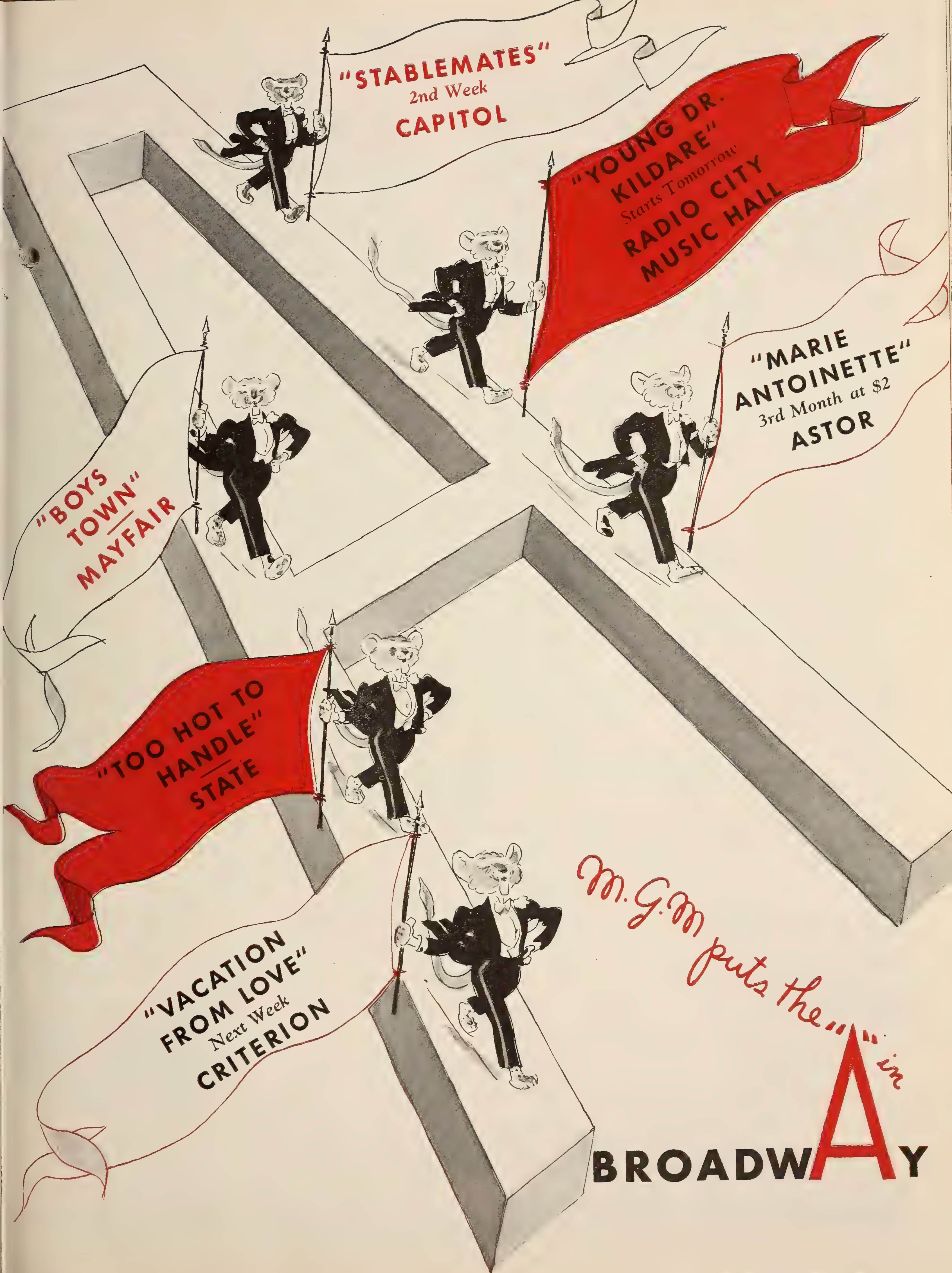
Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS:—*Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square. W. 1: cable address. Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23. 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.



"STABLEMATES"
2nd Week
CAPITOL

"YOUNG DR. KILDARE"
Starts Tomorrow
RADIO CITY MUSIC HALL

"MARIE ANTOINETTE"
3rd Month at $2
ASTOR

"BOYS TOWN"
MAYFAIR

"TOO HOT TO HANDLE"
STATE

"VACATION FROM LOVE"
Next Week
CRITERION

M.G.M puts the "A" in BROADWAY

Purely Personal

Arthur S. Dickinson, head of the M. P. P. D. A. conservation department, left yesterday for Albany en route to the S. M. P. E. fall convention in Detroit. He will make exchange inspections in both cities and in Buffalo, Cleveland, Pittsburgh and Philadelphia during the trip.

•

Sam Flax, Republic franchise owner in Washington, and **Harry LaVine**, central district manager, are here for conferences with **James R. Grainger**.

•

Allen Jenkins and **Mrs. Jenkins** ended a 10-day New York vacation yesterday and flew back to the coast. He will start Friday in "Always Leave Them Laughing" for Warners.

•

Robert Gillham is en route to the Paramount studio to join other home office officials now there on new product conferences.

•

David O. Selznick and **Mrs. Selznick** will leave by plane today for a three weeks' vacation in Bermuda.

•

Ann Miller, the dancer, is stopping at the Hotel Astor. She is appearing at the Paramount.

•

Nicholas M. Schenck, president of Loew's, may leave for the coast in a few days.

•

Joseph M. Schenck, **William P. Philips** and **Jay Paley** left Washington last night for the coast.

SAG to Negotiate Here

Screen Actors' Guild will start negotiations with eastern studios for a modification agreement next week. First talks are scheduled with Triple-A Productions and Odessco Productions.

National Opens Offices

National Pictures Corp., formed by Edwin Fadiman and French associates to import foreign product, has opened offices in the Paramount Building.

Australian Trade Is Preparing New Standard Contract

By LIN ENDEAN

Sydney, Oct. 7. — Exhibitor and distributor interests here are pushing ahead on the framing of a standard form of contract, which, it is planned, will be used throughout Australia.

The Motion Picture Distributors' Association has its draft ready for presentation to the exhibitor subcommittee, which will study it. It is expected that the demand of the exhibitors for restriction on theatre licenses will be one point of contention, but it is not expected that any initial disagreements will cause the proposal to collapse.

G.N. Stockholders Receive No Payment

Washington, Oct. 25.—Stockholders in Grand National films will receive nothing under the bankruptcy acquisition of the company by Educational Pictures unless creditors' claims are scaled down below $550,000 (the amount to be paid by Educational), or there is an increase in the value of the assets, S.E.C. Examiner Robert P. Reeder was told today by Richard H. Wilmer, counsel for the company.

Testifying before the S.E.C. at a hearing on the company's application to withdraw its common stock from listing and registration on the New York Curb Exchange, Wilmer said that original claims amounted to "something over" $1,000,000, but have been reduced to about $700,000 and may be further reduced. Unless they can be brought below the $550,000 mark, or the value of the assets increase, there will be no equity for the stockholders, he said.

Healey Heads M. P. Post

Boston, Oct. 25.—P. F. Healey was seated as commander of the Motion Picture Post of the American Legion as a feature of a dinner-dance at the Copley Plaza Hotel tonight. Healey is head of the Department of Public Safety.

William McLaughlin, Allied director, was installed as vice-commander. Other film men officially put in office included H. A. Aaronson, junior vice-commander; H. P. Smith, adjutant; M. Meckleburg, treasurer; Sam Levine, sergeant-at-arms, and K. L. Forkey, Irving Shiffman and Al Kenney, executive committeemen.

CEA to Honor Eden

London, Oct. 25.—Anthony Eden, former English Foreign Secretary, will be the guest of honor at the dinner Dec. 13 of the London Branch of the Cinematograph Exhibitors' Association.

Musician Job Talks Adjourned to Jan. 9

Following a second general discussion yesterday of the problem of reemployment of musicians in theatres by major company heads and the executive board of the American Federation of Musicians at the office of Pat Casey, producers' labor arbitrator, yesterday, further conferences were set for Jan. 9.

The only explanation offered by Casey and Joseph N. Weber, Federation president, for the adjournment was that no specific employment proposals have been advanced and it was believed that no practical program could be evolved in less than two months. In the interim, industry and Federation representatives will endeavor to find specific employment formulas to present at the next meeting.

Representing the industry at yesterday's session were: Nicholas M. Schenck, Loew's; George J. Schaefer, RKO; Austin C. Keough, Paramount; Major Albert Warner, Warners; Harry D. Buckley, United Artists, and Eugene Picker, Columbia.

Warners Close Deal With Gaumont, Paris

(Continued from page 1)

Adventures of Robin Hood." It will open at the Rex, Paris, Nov. 24.

The Paris houses included are: Rex, Colisee, Gaumont Palace, Palais-Rochechouart, Clichy-Palace, Gaumont, St. Paul, Convention Hall, Grand Cinema Aubert and Gambetta. The other houses are located in Nice, Bordeaux, Lyons, Toulouse, Rheims, Nancy and Toulon.

A. Saltiel, general manager in France, acted for Warners, according to Sam Morris, vice-president in charge of foreign distribution.

Duchess to See "Service"

London, Oct. 25.—The Duchess of Kent will attend the charity premiere of "Room Service" at the Odeon on Nov. 2.

Screens Must Be Kept Free, Declares Hays

(Continued from page 1)

screen's primary function of entertainment."

Katharine Hepburn also spoke yesterday. Shirley Temple is scheduled to give a two-minute greeting to the Forum by telephone from Hollywood at the final session Thursday afternoon.

Hays' topic was "Keeping the Mind of the Nation Young." He pointed out that films "inevitably assist" in doing that.

Use of Leisure Important

"The wise use of leisure time is an important factor in the development of character. Upon the character of its people depends the future of a nation. What we do in business hours may determine what we get, but what we do in our hours off will determine what we are.

"Nowhere, except in a land in which freedom is precious above all other things, could this art-industry have developed as it has done here. . . .

"Make no mistake about it, such entertainment is not a luxury in modern civilization, but a necessity along with food and shelter.

Films Are Inspiration

"The American motion picture demonstrates that there is opportunity in life; that the individual may succeed by initiative, industry, thrift and honesty; that youth may know that a Dick Whittington or an Abraham Lincoln may still happen.

"I believe that such portrayal expresses the faith and aspirations of the American people. From the point of view of a pure collectivist or a real totalitarian this theme of opportunity means exactly nothing; it simply does not make sense. We had better see it does in America if Democracy is to survive."

Miss Hepburn struck at censors for not permitting "a more liberal attitude" in films. She advised a campaign for "intelligent censorship" of pictures which will not only entertain "but contain an idea or two" about what is happening in the world.

The Newsreel Parade

The Sino-Japanese conflict is covered by all the newsreels in the new issues. Football games continue to gain attention. ***The reels and their*** *contents follow:*

MOVIETONE NEWS—Roosevelt's Hyde Park cottage under construction. Chinese army defends Canton. California exposition nears completion. Girls bake 85-pound pie. Wage and hour law chief discusses labor disputes. Eucharistic Congress ends. Lew Lehr. Football games.

NEWS OF THE DAY—Women and children leave Hankow. San Francisco Bay Bridge completed. Indian stunt man thrills spectators. Hollywood girls apply for jobs. Dog auction day at Virginia. Football.

PARAMOUNT NEWS—China depends on last minute defense. Motor skooters to abide by traffic laws. Famous New York prison for sale. Virginia dog auction sale. Football games.

RKO PATHE NEWS—Golden Gate exposition nears completion. Elmer F. Andrews explains wage-hour law. Midwest labor union representatives oppose strikebreakers. New York's Tombs up for sale. Volunteers of the International Brigades leave Spain. International art exhibition. Football games.

UNIVERSAL NEWSREEL—Sino-Japanese war. Eucharistic Congress ends. Indian stunt man in California. Tombs to be sold. Dog Mart at Virginia.

THE MERCURY

GIANT
SKYSLEEPERS

OVERNIGHT TO LOS ANGELES

Fly the Southern SUNSHINE route overnight to Los Angeles. Through service. No change of planes. Giant SKYSLEEPERS. Complimentary meals served by stewardesses.

Mercury Lv. 5:10 p. m. (only 3 stops)
Southerner Lv. 9:00 p. m. (only 5 stops)

FOR RESERVATIONS: Call Your Travel Agent or VANderbilt 3-2580. Ticket Offices: 45 Vanderbilt Ave., and Rockefeller Center, 18 W. 49th St.

AMERICAN AIRLINES Inc.

Only UNITED *offers you* SLYLOUNGE MAINLINERS

New York-Chicago, 4 hrs. 45 mins.

2 non-stop Skylounge flights daily. Extra luxury at no extra fare. Only UNITED'S Skylounge Mainliners offer you 14 lounge chairs in a 21-passenger cabin. Seven other fast Mainliner flights. RESERVATIONS: 58 E. 42nd St., MUrray Hill 2-7300. Or travel bureaus, hotels.

UNITED AIR LINES
The Main Line Airway

Industry Lawyers Move to Clear Up Wage-Hour Terms

Counsel for major companies at a meeting at M.P.P.D.A. headquarters yesterday consolidated all leading queries concerning the application of the Federal wage and hour law to this industry which have confused motion picture employers. The queries will be submitted to Elmer F. Andrews, administrator, in Washington, Friday.

Clarification of the provisions is hoped for at the Washington meeting so that the industry will be prepared for compliance until such time as a motion picture committee is appointed by Administrator Andrews to make specific rulings on all undecided points of the application of the law to this business. That appointment may not materialize for several months, according to present indications, and, in the meantime, Andrews' interpretation of its basic points will be relied on.

Company counsel will seek definite opinions Friday on the phases of the industry which are in interstate commerce, the employes who are affected either under the wage or hour provisions and those who are exempt in the opinion of the Administrator.

Momand Hearing Is Continued to Nov. 5

Oklahoma City, Oct. 25.—Motion of the defendants to strike the petition from the files was argued today before Federal Judge A. P. Murrah in A. B. Momand's anti-trust suit against major distributors and Griffith Amusement Co., and the hearing on the motion was continued to Nov. 5.

Momand is asking $4,900,000 for alleged conspiracy in restraint of trade. Motion to quash by Warners was overruled. The judge said he is bound by the law laid down in Momand's old anti-trust suit against Paramount, which was dismissed by the Circuit Court of Appeals without prejudice. The motion to quash by Pathe was reconsidered, and the motion to quash by Paramount was withdrawn.

Redding English Ad Head for Paramount

London, Oct. 25.—John W. Hicks, Jr., vice-president in charge of the Paramount foreign department, has appointed Tony Redding as advertising and publicity manager for Paramount in Great Britain and Ireland.

George H. Hawkins, who formerly held the post, has returned to manager of the ad sales department. Redding formerly was manager of the Capitol in Dublin.

Reel-Guild Talks Resume

Negotiators for Paramount Newsreel and the Newspaper Guild resumed conferences yesterday but failed to reach any agreement after a two-hour session.

Dix Stars in "Number"

Hollywood, Oct. 25.—RKO has signed Richard Dix to star in "What's Your Number," Robert Sisk production, and Lew Fields in "The Castles."

Allied Continues Practice Parleys

The Allied committee held a third session with William F. Rodgers, Gradwell L. Sears and Abe Montague at the Astor yesterday. These conferences are to continue today and will extend to Friday, according to present indications.

Meeting with the distributors yesterday were Nathan Yamins, H. A. Cole, Ray Branch, Sidney Samuelson and M. A. Rosenberg. Abram F. Myers, general counsel, arrived last night from Washington to sit in at the conferences which will be resumed at 10 A.M. today.

Representatives of the six unaffiliated regional exhibitor organizations continued their discussions yesterday on formulating their proposals.

Twelve New Pictures Get Legion Approval

National Legion of Decency has approved 12 new pictures for the current week, seven for general patronage and five for adults. The new films and their classification follow.

Class A-1, Unobjectionable for General Patronage—"The Citadel," "Down on the Farm," "Five of a Kind," "Listen, Darling," "The Mad Miss Manton," "Service de Luxe," "Swing That Cheer." Class A-2, Unobjectionable for Adults—"Brother Rat," "Girls on Probation," "Girls' School," "The Lady Vanishes," "Suez."

B'way to Have 26 Plays by Weekend

With three plays scheduled to open this week, and two to close, Broadway will have 26 shows on the legitimate stage on Saturday. "Madame Capet," with Eva Le Gallienne, opened at the Cort Tuesday. The play deals with the early days of the French revolution.

A later period in that revolution will be depicted at the Mercury when "Danton's Death" opens on Friday. "The Girl from Wyoming," a musical satire of westerns, is due at the American Music Hall on Saturday. Cecilia Loftus will do a series of impersonations at the Vanderbilt on Sundays.

The revival of "Lightnin'" will leave after 52 performances, and "I Have Been Here Before," a Theatre Guild production, goes off after 50 showings. ". . . one third of a nation . . .," a Federal Theatre offering, closed on Saturday, "On Borrowed Time" is scheduled to leave Nov. 5 after 320 performances, and "Prologue to Glory," another Federal Theatre show, will wind up its run on the same day.

Sign New Republic Deals

Several product deals closed by Republic were made known yesterday by James R. Grainger, president. Warners have contracted for the company's output for theatres in the Philadelphia, Pittsburgh and Washington zones. Other deals include the W. A. Simon Circuit in Montana and Theatrical Managers Circuit in Indiana.

That Horror Dual Is Still SRO at Chicago's Garrick

By BILL CROUCH

Chicago, Oct. 25.—Sensational business is being recorded here by the horror picture combination, "Dracula" and "Frankenstein," at the Garrick. The B. & K. house, which seats 900, has been running at capacity since the opening last Wednesday. Over the weekend the business was nothing short of terrific with hundreds turned away. Gross for the week will be near the $10,000 mark, the most the house can do because of the length of the program. The program probably will be held until after Hallowe'en, at least.

▼

Jack Shumow, M-G-M sales manager here, is acting branch manager during the absence of W. E. "Doc" Banford, who is in Europe with a group of prize winning M-G-M sales executives. Banford returns the latter part of November.

▼

Seymour Borde has replaced Joe Abramson as booker for Henri Elman at the Capitol-Monogram exchange here. Abramson is in California where he plans to make his home.

▼

When Chicago's gala social affair, the Architects' Ball, is held at the Drake Hotel, Dec. 2, films will serve as the theme. The architects have selected the following pictures to use for their own interpretation as to how the sets should have been designed. The pictures are: "Artists and Models," "The Young in Heart," "If I Were King," "Suez," "The Great Waltz," "Zaza," "Ferdinand the Bull," "Union Pacific," "Jesse James," "Dawn Patrol" and "The Sisters." These productions will have local society folk playing roles similar to the stars of the film.

▼

Grinnell College, Grinnell, Ia., may be the scene of the world premiere of "Cowboy and the Lady" if present plans materialize. Gary Cooper, star, is a former Grinnell student. The premiere probably will be held Nov. 5, Grinnell's "Homecoming," with Cooper appearing in person for the event.

▼

Latest addition, the 11th, to the Harry and Elmer Balaban circuit is the Milford on the northwest side of Chicago, taken over from the Melcher Brothers.

▼

Pete Kalleres, B. & K. partner in several Gary theatres, is back from a honeymoon trip to Hollywood.

Short Subjects

"The World Is Ours"

Hollywood, Oct. 25.—Basically an educational subject, this all-industry contribution to the Motion Pictures' Greatest Year drive is also unique entertainment. Expertly produced by Frank Whitbeck and directed by Basil Wrangel, the story by Lou Harris and Herman Hoffman concisely emphasizes the great influences which the screen has exerted on the world's social, economic, educational and cultural progress. The subject will be distributed by all exchanges handling accessories on the drive.

The picture gets its message over through the narrative comment of Truman Bradley and the reactions of a typical American family composed of Samuel S. Hinds, Dorothy Peterson, Charley Grapewin, Anne Shirley and Johnny Walsh. In a discussion of the value of old and modern films, clips are shown of "The Great Train Robbery" and "Bertha, the Sewing Machine Girl." A lecture shows 65 cents of every admission dollar remains in the community, and the family, in Hollywood, sees the complete process of production. They return home appreciative of the value of the screen.

The film has wide exploitation and is a powerful piece of selling for the industry.

Running time, 18 mins. "G."*

** "G" Designates general audience classification.*

O'Loghlin Departs On Kent Drive Swing

James P. O'Loghlin, S. R. Kent drive leader for 20th Century-Fox, left last night for Toronto in advance of his third swing of exchanges in connection with the drive.

He will meet Herman Wobber, general manager of distribution, in Chicago on Saturday and will proceed to Los Angeles, from where he will start his tour next week. He will be accompanied by William Clark, short subjects sales head.

O'Loghlin will meet William J. Kupper, western division manager, in Denver, who will accompany him in the western territory, and will be accompanied by W. C. Gehring, central division manager, and William Sussman, eastern division head, in their respective territories. The entire trip will take about four weeks.

K.C. Leaders Agree To Fight "Quiz" Ban

Kansas City, Oct. 25.—Regional leaders of the Motion Pictures Greatest Year drive here have decided to fight Attorney General Roy McKittrick's ruling that the "Movie Quiz" contest is a lottery in Missouri.

Elmer C. Rhoden, regional chairman, said today that in view of the approval given the contest by the Post Office Department he felt its legality could be upheld here.

Benjamin Sonin Buried

Funeral services for Benjamin Sonin, 73, father of Charles Sonin, manager of M-G-M's purchasing department, will be held today at Park West Memorial Chapel. Burial will be at Mt. Hebron.

MOTION PICTURE DAILY'S HANDY BOOKING CHART

[*Dates Are Based Upon National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After the Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action*]

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS
Sept. 23	The Stranger from Arizona (O) *Buck Jones* *Dorothy Fay*		Wanted by Police (G) (D) *Frankie Darro* *Evalyn Knapp*	Sons of the Legion (G) (D) *Donald O'Connor* (3803)	Prairie Moon (G) (O) *Gene Autry*	Fugitives for a Night (G) (D) *Frank Albertson* *Adrienne Ames* (903)	Time Out for Murder (G) (D) *Gloria Stuart* *Michael Whalen* (908)		Road to Reno (G) (C) *Hope Hampton* *Randolph Scott*	Four Daughters (G) (D) *Lane Sisters* *John Garfield* (359)
Sept. 30	You Can't Take It With You (G) (C) *Jean Arthur* Girls' School	Vacation from Love (G) (C) *Florence Rice* (905)	Mr. Wong, Detective (G) (D) *Karloff*	King of Alcatraz (A) (D) *J. Carroll Naish* (3804)	Down in "Arkansaw" (G) (D) *Weaver Bros.* *Pinky Tomlin*	Room Service (A) (C) *Marx Brothers* (901)	Straight, Place and Show (G) (C) *Ritz Bros.* (911)	Drums (G) (D) *Raymond Massey* *Sabu*	Youth Takes a Fling (G) (C) *Joel McCrea* *Andrea Leeds*	Garden of the Moon (G) (M) *Pat O'Brien* *Lindsay*
Oct. 7	Crime Takes a Holiday (G) (D) West of the Sante Fe (O)	Stablemates (G) (D) *Wallace Beery* *Mickey Rooney* (906)	Sweetheart of Sigma Chi (reissue) *Mary Carlisle*	Touchdown, Army (G) (C) *Mary Carlisle* (3805)	The Night Hawk (G) (D) *Robt. Livingston* *June Travis* *Robt. Armstrong*	Mr. Doodle Kicks Off (G) (C) *Joe Penner* (904)	Meet the Girls *June Lang* *Lynn Bari* (910)		That Certain Age (G) (C) *Durbin* *Jackie Cooper*	Broadway Musketeers (A) (D) *Lindsay* *Marie Wilson*
Oct. 14	Flight to Fame Below the Rio (O) *Buck Jones*	Young Dr. Kildare (G) (D) *Lew Ayres* *Lionel Barrymore*	Where the Buffalo Roam (O) *Tex Ritter*	Arkansas Traveler (G) (C) *Bob Burns* *Mary Carlisle* (3806)		A Man to Remember (G) (D) *Anne Shirley* (905)	Five of a Kind (G) (C) *Dionne Quintuplets*	There Goes My Heart (G) (C) *Fredric March* *Virginia Bruce*	Swing That Cheer *Tom Brown* *Andy Devine*	The Sisters (G) (D) *Bette Davis* *Errol Flynn* *Anita Louise*
Oct. 21	Homicide Bureau *Bruce Cabot* *Rita Hayworth*	Listen, Darling (G) (C) *Bartholomew* *Judy Garland* (904)		Mysterious Rider (G) (O) (3807)	Rhythm of the Saddle (O) *Gene Autry*	The Mad Miss Manton (G) (C) *Stanwyck* *Fonda* (906)	Mysterious Mr. Moto (G) (D) *Peter Lorre* (912)		Service De Luxe (G) (C) *Constance Bennett* *Vincent Price*	Girls on Probation (D) *Ronald Reagan* *Jane Bryan*
Oct. 28		The Citadel *Robert Donat* *Rosalind Russell*		Escape from Leavenworth *Tamiroff* *Farmer* *Erikson*	I Stand Accused (G) (D) *Robt. Cummings* *Helen Mack*	Tarnished Angel *Eilers* *Ann Miller*	Suez (G) (D) *Tyrone Power* *Loretta Young* *Annabella*		The Storm *Bickford* *MacLane* *Foster* *Nan Grey*	Brother Rat (G) (C) *Wayne Morris* *Priscilla Lane*
Nov. 4	In Early Arizona *Bill Elliott* *Dorothy Gulliver*	The Great Waltz *Luise Rainer* *Fernand Gravet* *Miliza Korjus*	Gangster's Boy *Jackie Cooper*	Men With Wings (G) (D) *MacMurray* Illegal Traffic	Storm Over Bengal *Patric Knowles* *Rochelle Hudson*	Lawless Valley (O) *George O'Brien*	Always in Trouble (G) (C) *Jane Withers* *Jean Rogers* *Arthur Treacher*	The Young in Heart *Gaynor* *Fairbanks, Jr.* *Goddard*	Exposed *Glenda Farrell* *Otto Kruger* Prairie Justice (O)	Hard to Get (G) (C) *Dick Powell* *de Havilland*
Nov. 11	Adventure in Sahara *Paul Kelly* *Lorna Gray*	Spring Dance *Lew Ayres* *Burgess Meredith* *O'Sullivan*	Gun Packer (O) *Jack Randall*	If I Were King (G) (D) *Colman* *Rathbone*	Texas Ranger (O) *Roy Rogers*	Annabel Takes a Tour (G) (C) *Oakie* *Lucille Ball*	Just Around the Corner *Shirley Temple* *Charles Farrell*		His Exciting Night (C) *Charles Ruggles* *Ona Munson*	Torchy Gets Her Man (G) (D) *Glenda Farrell* *MacLane*
Nov. 18	There's That Woman Again *Melvyn Douglas* *Virginia Bruce*	Sweethearts *MacDonald* *Eddy*	Gang Bullets *Anne Nagel*	Thanks for the Memory *Bob Hope* *Shirley Ross* *Butterworth*	Santa Fe Stampede (O) *3 Mesquiteers*	Law West of Tombstone *Harry Carey* *Jean Rouverol*	Sharpshooters (G) (D) *Brian Donlevy* *Lynn Bari*	Cowboy and the Lady *Cooper* *Oberon*	Strange Faces *Dorothea Kent* *Frank Jenks* *Andy Devine*	Nancy Drew, Detective *Bonita Granville* *John Litel*
Nov. 25		The Shining Hour *Crawford* *Sullavan* *Douglas*	Roll, Wagons Roll (O) *Tex Ritter*	Arrest Bulldog Drummond *John Howard* *Heather Angel*		Peck's Bad Boy at the Circus *Tom Kelly* *Ann Gillis*	Submarine Patrol *Richard Green* *Nancy Kelly* *Preston Foster*		Little Tough Guys in Society *Boland* *Auer* *Horton*	Angels with Dirty Faces (G) (D) *Cagney* *O'Brien* *"Dead End" Kids*

G. B.

Man with 100 Faces *Tom Walls* (Oct. 1)

The Lady Vanishes (G) (C) *Margaret Lockwood* *Paul Lukas* (Nov. 1)

The Frog *Noah Beery* *Gordon Harker* (Nov. 15)

G. N.

Dangerous Secrets *Paul Lukas* (Sept. 30)

Shadows Over Shanghai (G) (D) *James Dunn* *Ralph Morgan* (Oct. 14)

Frontier Scout (O) *George Houston* (Oct. 21)

Cipher Bureau (D) *Joan Woodbury* *Leon Ames* (Oct. 28)

Sunset Strip Case *Sally Rand* (Nov. 5)

"Co-Ed" Smash Hit in 2 Twin Cities Houses

MINNEAPOLIS, Oct. 25.—"Hold Th[illegible] Co-Ed," aided by Jimmy Dorsey an[illegible]s band, pulled a smash $16,200 at the Orpheum.

"Too Hot to Handle," in its second week at the State, was good for $5,500, and "Boys Town," in its third week at the Century, got $5,500.

In St. Paul, "Hold That Co-Ed," with the Krupa band, took $6,000 at the Orpheum. "Too Hot to Handle" grossed $5,500 at the Paramount.

Estimated takings for the week ending Oct. 20:

Minneapolis:

"Touchdown Army" (Para.)
"Time Out for Murder" (20th-Fox)
ASTER—(900) (15c-25c) 7 days. Gross: $1,700. (Average, $1,500)
"Boys Town" (M-G-M)
CENTURY—(1,600) (25c-40c) 7 days, 3rd week. Gross: $5,500. (Average, $4,000)
"Hold That Co-Ed" (20th-Fox)
ORPHEUM—(2,900) (25c-40c) 7 days. Stage: Jimmy Dorsey. Gross: $16,200. (Average, $4,800)
"Too Hot to Handle" (M-G-M)
STATE—(2,300) (25c-40c) 7 days, 2nd week. Gross: $5,500. (Average, $4,400)
"Drums" (U. A.)
WORLD—(400) (25c-55c) 7 days. Gross: $1,800. (Average, $1,600)

St. Paul:

"Hold That Co-Ed" (20th-Fox)
ORPHEUM—(2,000) (25c-40c) 7 days. Stage: Gene Krupa Band. Gross: $6,000. (Average, $3,200)
"Too Hot to Handle" (M-G-M)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: $5,000. (Average, $4,400)
"Campus Confessions" (Para.)
RIVIERA—(1,000) (25c) 7 days. Gross: $1,600. (Average, $2,400)
"Breaking the Ice" (RKO)
"Crime Takes a Holiday" (Col.)
TOWER—(1,000) (25c) 7 days. Gross: $2,000. (Average, $1,600)
"Charm of La Boheme" (International)
WORLD—(400) (25c-35c) 7 days. Gross: $900. (Average, $700)

"Touchdown," Band High at Milwaukee

MILWAUKEE, Oct. 25.—Week's profit-taker was Benny Goodman on the stage and "Touchdown Army" with $15,750 at Fox's Palace. Second money went to "That Certain Age" and "The Mad Miss Manton" with $8,500 at the Warner.

Business took it on the chin from the Food-Radio Show headlining Hugh Herbert, which drew more than 70,000 people in six days at 25c-35c admissions.

Estimated takings for the week ending Oct. 20:

"Touchdown Army" (Para.)
PALACE—(2,400) (40c-50c) 7 days. Stage: Benny Goodman. Gross: $15,750. (Average, $5,000)
"The Road to Reno" (Univ.)
RIVERSIDE—(2,300) (25c-30c) 7 days. Stage: Vaudeville. Gross: $4,400. (Average, $5,000)
"Too Hot to Handle" (M-G-M)
"Three Loves Has Nancy" (M-G-M)
STRAND — (1,400) (35c-50c) 7 days. Gross: $3,600. (Average, $4,500)
"That Certain Age" (Univ.)
"The Mad Miss Manton" (RKO)
WARNER—(2,400) (35c-50c), 7 days. Gross: $8,500. (Average, $5,000)
"Hold That Co-Ed" (20th-Fox)
"Time Out For Murder" (20th-Fox)
WISCONSIN—(3,200) (35c-50c) 5 days. Gross: $4,000. (Average, $8,000)
"Five of a Kind" (20th-Fox)
"Straight, Place and Show" (20th-Fox)
WISCONSIN—(3,200) (35c-50c) 2 days. Gross: $1,400. (Average, $8,000)

Out Hollywood Way

HOLLYWOOD, Oct. 25.—LEON SCHLESINGER, producing cartoons for Warner release, has some sort of record. Twenty-six shorts are in various stages of production, three Looney Tunes and five Merrie Melodies on the 1938-'39 schedule have already been shipped, and the first Merrie Melodie of the 1939-'40 season is nearly completed.

"Little Tenderfoot" has been selected as the next TEX RITTER musical western for Monogram. It will introduce Mary Ruth, five-year-old pianist . . . GERALDINE FITZGERALD, young Irish actress recently signed by Warners, will get the lead opposite ERROL FLYNN in "Sir Robin of Locksley," sequel to "The Adventures of Robin Hood" . . . Warners' "Heart of the North" world premiere will be in Montreal in late November . . . RAY MILLAND will be co-starred with ISA MIRANDA in Paramount's "Hotel Imperial" . . . DON AMECHE's one picture loan to Paramount by 20th Century-Fox will be "Midnight," to co-star CLAUDETTE COLBERT.

SAMUEL GOLDWYN has purchased "The First Co-ed," story of 1837 when four girls entered Overlin College as the first girl students in an American University . . . MIRIAM HOPKINS' first film at Warners, "We Are Not Alone," from JAMES HILTON's novel, will start Nov. 7 . . . JOHN GARFIELD gets the role of "Diaz" in Warners' "Juarez" . . . M-G-M enters the musical western field with "Let Freedom Ring." NELSON EDDY will be starred.

BURNS and ALLEN have been signed by M-G-M for top roles in "Honolulu," which will feature ELEANOR POWELL . . . WARREN WILLIAM has been signed by Columbia for two productions annually, with William playing LOUIS JOSEPH VANCE's character, "The Lone Wolf."

+

Casting—RUFE DAVIS in "Ambush," Paramount . . . ALLYN JOSLYN and CLAUDE GILLINGWATER in "Cafe Society," Paramount . . . J. CARROL NAISH replaces CHARLES BICKFORD in Paramount-DeMille's "Union Pacific" . . . LYNNE OVERMAN, WILLIAM HENRY, PATRICIA MORISON and ANTHONY QUINN in "Persons in Hiding," Paramount . . . JOHN CARROLL gets the title role in Monogram's "I Am a Criminal," being produced by E. B. DERR . . . LEO CARRILLO in "Fisherman's Wharf," Principal-RKO . . . Universal has placed ROCHELLE HUDSON and KENT TAYLOR in the top roles of "Sky Police" . . . PRESTON FOSTER, FRANK JENKS and FRANCES ROBINSON will be featured in Crime Club's "The Dead Don't Care," for Universal release . . . With GALE PAGE awarded the feminine lead opposite DICK POWELL in "Always Leave Them Laughing," Warners has assigned to the supporting cast MAXIE ROSENBLOOM, ALLEN JENKINS, JERRY COLONNA and CURT BOIS . . . FRANK McGLYNN, SR., will again play "Abraham Lincoln" on the screen, this time in "Lincoln in the White House," another of the Warners' patriotic shorts . . . ALAN HALE, BRUCE CABOT, WARD BOND, PAUL GUILFOYLE in "Dodge City," Warners . . . DOLORES COSTELLO in "Wreckage," LARRY DARMOUR-Columbia picture starring JACK HOTEL. . . . KEYE LUKE, JAMES CRAIG and BETTY FURNESS in "Life Is Cheap," Columbia.

+

Writers—DAVID O. SELZNICK has signed RICHARD BLAKER, English novelist, to do the original story for "Titanic."

"Certain Age" Out Front at Montreal

MONTREAL, Oct. 25.—"That Certain Age" drew $11,500 at the Palace, the best showing in a week affected by warm weather and the after-effects of Canadian Thanksgiving Day.

"Sky Giants," with eight vaudeville acts at Loew's, and "My Lucky Star," heading a dual bill at the Capitol, each grossed $8,500.

Estimated takings for the week ending Oct. 22:

"My Lucky Star" (20th-Fox)
"Speed to Burn" (20th-Fox)
CAPITOL — (2,547) (25c-40c-55c-65c) 7 days. Gross: $8.500. Average, $9,500)
"Sky Giant" (RKO)
LOEW'S—(2,800) (25c-40c-50c) 7 days. Stage: Eight vaudeville acts. Gross: $8,500. (Average, $8,000)
"There Goes My Heart" (U. A.)
ORPHEUM—(919) (25c-35c-50c) 7 days. Gross: $4,500. (Average, $5,000)
"That Certain Age" (Univ.)
PALACE—(2,600) (25c-40c-55c-65c. 7 days. Gross: $11.500. (Average, $11,000)
"I Am the Law" (Col.)
"Speed to Burn" (Col.)
PRINCESS—(2,272) (25c-35c-50c-65c) 7 days, 2nd week. Gross: $5,000. (Average, $7,000)

"Stablemates" Dual Held at New Haven

NEW HAVEN, Oct. 25.—"Stablemates" and "Mysterious Mr. Moto" at the Loew-Poli took a strong $9,500, and the bill was moved to the College for a second week. This was the fifth consecutive holdover to originate at the house.

"If I Were King" and "When Were You Born" grossed $5,900 at the Paramount and was given a second week. At the Roger Sherman "Room Service" and "Smashing the Rackets" took $6,100.

Estimated takings for the week ending Oct. 21:

"Too Hot to Handle" (M-G-M)
"Gladiator" (Col.)
COLLEGE—(1,499) (35c-50c) 7 days, 2nd week. Gross: $3,000. (Average, $2,500)
"Stablemates" (M-G-M)
"Mysterious Mr. Moto" (20th-Fox)
LOEW-POLI—(3,040) (35c-50c) 7 days. Gross: $9,500. (Average, $8,000)
"If I Were King" (Para.)
"When Were You Born" (W. B.)
PARAMOUNT—(2,348) (35c-50c) 7 days. Gross: $5,900. (Average, $4,400)
"Room Service" (RKO)
"Smashing the Rackets" (RKO)
ROGER SHERMAN—(2,200) (35c-50c) 7 days. Gross: $6,100. (Average, $4,700)

Charter Five at Dover

DOVER, Del., Oct. 25.—Five new companies chartered here are:

Universal Pictures Corp. of Puerto Rico; Amusement Corp. of America, by L. E. Gray, L. H. Herman and Walter Lenz; Partnership Theatres, Inc., by C. O. Layman, J. Slaughter and H. Kennedy; Filmica International, S. A., Inc., by John S. Keech, Harry H. Lugg and Herman T. Van Mell, and Lindmont Theatre Corp., by M. M. Lucey, M. S. Lucey and A. R. Shannon.

IT ACTUALLY
HAPPENED TO
THIS EXHIBITOR!

TRUE STORIES FROM ALTEC FILES

W. E. ROBERTS,
Manager,
The Lyric Theatre
of the Publix-Saenger-Sparks Circuit,
Gainesville. Fla.

Detects "Scratch" When Big Truck Shakes Theatre

GAINESVILLE, FLA.—"Right after completing a routine inspection, my Altec man, W. M. Shubert, noticed a trace of scratchiness in the sound, just when a heavy truck rumbled by the theatre," said W. E. Roberts, manager of the Lyric Theatre here.

"Shubert was immediately suspicious and went back to the booth. He found that a wire to the amplifier, covered by insulation, was broken. The only reason the amplifier wasn't completely dead was because by accident the lead sheathing of another wire was touching the frame of the amplifier, making a shaky contact.

"All we would have needed, to lose a Saturday night's full house business was to have another big truck go by in the middle of the show. It's a good thing that Shubert has such a sensitive hearing—and such a suspicious nature."

• • •

The Altec Service Inspector is thoroughly trained and equipped to service all makes of sound equipment, however modified or modernized since equipment was purchased.

ALTEC
SERVICE CORPORATION

ALTEC SERVICE CORPORATION
250 West 57th Street
New York City.

Gentlemen: Without obligation to myself, you may have the Altec Inspector in my neighborhood tell me why an Altec Service Agreement can give me greater protection.

NAME ____________
THEATRE ____________
ADDRESS ____________
CITY ____________ 63

"...THAT YOUR THEATRE MAY NEVER BE DARK."

Radio Personals

BEA WAIN refutes the rumor that she is leaving Larry Clinton's band to go on her own . . . Benay Venuta is cutting her Mutual program to a half-hour . . . Those irrepressible press agents! Lester Grady of the Fizdale office informs us that Benny Goodman broke an all-time attendance record in Flint, Michigan, when he played to a dance hall attendance of 8,908, and Dave Alber writes that Morton Downey broke a 17-year business record at the Cocoanut Grove during his recent engagement there . . . Frank Gallop will serve as the narrator when Arch McLeish's "Air Raid" is broadcast over CBS tomorrow on the "Workshop."

Paton Sets Deal for 52 Weeks Over WOV

Paton Corp., for Yuban Coffee, has signed for a 52-week program over WOV, sponsoring a script show titled "The Rinaldi Family," Mondays through Fridays, starting Oct. 31. The Arthur H. Ashley agency placed the account.

Mattia Locatelli, Inc., is sponsoring a campaign over WOV consisting of 15-minute musicals, twice weekly, for 13 weeks.

NBC vs. Freeman Oct. 31

Trial of two suits by NBC and Cecil, Warwick & Cecil, Inc., against Charles Henry Freeman, Jr., was set yesterday for Oct. 31 before Federal Judge John M. Woolsey. NBC is seeking $62,308 damages and Cecil, Warwick & Cecil $16,583 and an injunction in the two suits, which contend that the defendant is seeking to interfere with a plan of Cecil, Warwick & Cecil for a series of radio programs using the facilities of the Metropolitan Opera and known as the Metropolitan Opera Auditions of the Air.

Stockholder Sues RCA

A stockholder's suit against RCA for an accounting was filed in the N. Y. Supreme Court yesterday by George Saievetz. Westinghouse Electric & Mfg. Co., General Electric Co., Owen D. Young and David Sarnoff were named as other defendants in the suit. No complaint has been filed as yet.

Political Talks on WNEW

Independent Citizens' Committee for the election of Governor Lehman and his running mates has placed an order with WNEW for three five-minute transcribed political talks. Kelly, Nason & Winston is the agency. Another WNEW contract is for the Holden Family, Inc., one-quarter hour per week.

"Information" to Canada

"Information Please," audience participation program which shortly goes commercial on the Blue network for Canada Dry Ginger Ale Co., will add Canadian outlets following the Nov. 15 broadcast, and will be heard over CBL and CFCF. The Mathes agency handles the program.

Star Studded

Shirley Temple, Clark Gable, Bob Hope, Shirley Ross, Ginger Rogers, Fred Astaire and Dick Powell will appear on Sam Taylor's "Hollywood Highlights" program over WHN tomorrow at noon.

P.S.—But not in person—via transcription as a promotion for the Motion Pictures' Greatest Year campaign.

P.P.S.—Clark Gable will sing.

WOR Discs to Help Tuberculosis Drive

WOR's recording division has started shipment of 220 new transcriptions of a special 15-minute program, "Passing the Torch," to be distributed to broadcasting stations throughout the country. The discs, made for the National Tuberculosis Association, will help launch the 1938 Christmas Seal campaign.

Other new business received by the WOR recording division includes the renewal of "Don't You Believe It" waxings for Sensation cigarettes, placed by Lennen & Mitchell.

Mutual to Add 108th Station, KMOE, Tulsa

Mutual will add the 108th station to its network on Nov. 6 when KMOE, in Tulsa, Okla., joins it and the Oklahoma State network.

KMOE is a new station which starts operation on the date of its affiliation with the networks. It is a daytime unit on 1,310 kilocycles, 250 watts. Glenn Condon is the manager.

Clapper Signed by NBC

Raymond Clapper, syndicated political writer for the United Press, has been signed by NBC to interpret election trends and results during the coming general elections. On Nov. 7, day preceding the elections, Clapper will discuss the issues of the candidates and parties in a 10:45 to 11 P.M. broadcast over the Red network. Following the broadcast, which will come from Washington, Clapper will come to New York, from which point he will be heard in numerous other broadcasts.

"Silver Theatre" in East

"Silver Theatre," Hollywood program sponsored by International Silver Co., which features appearances of film guest players in original dramatizations, will emanate from New York the weeks of Nov. 13 and 20. Helen Hayes will be featured those two weeks.

Wolcott Heads Amateurs

NEW HAVEN, Oct. 25.—George Wolcott of W1KDO has been elected president of the New Haven Amateur Radio Association. Edward Fraser, W1KQY, is vice-president, John Morris, W1ATH, secretary, and Irving Stannard, W1DDP, treasurer.

Morse Series on WAAB

BOSTON, Oct. 25.—Ruth Morse has returned to WAAB with her interview series. Miss Morse features visiting screen and stage stars.

Around the Country

Cincinnati

Ralph Rosenberg and James Cassidy have joined the publicity staff of WLW-WSAI, and will work under direction of Bill Baily, press relations director . . .Edna Silverton has resigned from the WLW-WSAI publicity department . . . France Raine, radio editor of the *Cincinnati Times-Star,* is on a three-week vacation . . . L. B. Wilson, president and general manager of WCKY, and his wife, have returned from a trip to New York . . . Edward K. Bauer, business manager of WLW and WSAI, is the father of a baby boy . . . A daughter arrived at the home of Mr. and Mrs. Bernard Cook. The father is maintenance engineer at WLW-WSAI . . . Margaret ("Peg") Maloney, publicity chief of WKRC, back at her desk after an illness . . . Maynard Craig, WKRC announcer, has resigned. Replaced by Charles Lutz of WHKC, Columbus.

+

San Francisco

Singing-Guitarist Will Aubrey, ex-vaudeville star, has joined KPO's staff . . . NBC Announcer Dresser Dahlstead, senior mikeman in point of service on KPO-KGO, has been transferred to the new Hollywood studios . . . Tenor Roy Russell has rejoined the KFRC staff after studying eight months in Italy, is heard weekly on "Feminine Fancies" . . . NBC has set a deal with 40 bakeries and cafeterias of the Foster Chain for photographic window displays, featuring local KPO-KGO performers . . . Ira Blue's "Let's Listen" program, a daily commentary on KPO programs and personalities, is being auditioned for sponsorship.

New CBM Studios Used

MONTREAL, Oct. 25.—Canadian Broadcasting Corp. has almost completed work on the new studios for CBM in the King's Hall Building. Final details should be cleared up within a week.

The new studios were first used yesterday by Rupert Caplan, who aired his "Miss Trent's Children" program from one of them.

Tidewater to Air Games

SAN FRANCISCO, Oct. 25.—Headed by a recreated wire-report on the St. Mary's-Fordham football game in New York Nov. 6, a schedule of 11 Pacific Coast grid games has been placed on KYA by Tidewater-Associated Oil Co. Three games will originate at Spokane, Sacramento and Fresno and seven from here.

Pittsburgh Coal on Air

PITTSBURGH, Oct. 25.—Bernie Armstrong and Auernin Bodycombe, staff artists at KDKA, have been signed by the Pittsburgh Coal Co. for a once weekly organ-piano series over three stations, KDKA, WTAM, Cleveland, and WLEU, Erie, Pa. Their program will be broadcast every Wednesday night for 15 minutes. Lois Miller, organist, had this same spot for the sponsor last year.

Many Papers Carrying Ads In Radio Logs

Lahey-Daly Co., originators of the plan to sell advertising listings in daily newspaper radio logs, [illegible]n more than 150 newspapers have signed contracts to carry the commercial listings.

At the moment 35 newspapers are carrying the bold face lines of advertising in the logs and several large advertisers have contracted for space. Esso Gasoline is advertising its radio news programs in 30 papers in this fashion.

At the present time only newspapers in cities of 100,000 population and over are being solicited. The selling point is to get the advertisers to tie in their radio programs with paid lines in the radio logs of cities where their programs will be heard.

The new advertising idea is expected to result in winning much needed friendship for radio from newspaper publishers, who long have maintained that they should receive some revenue for printing the radio logs and devoting publicity to a competitive advertising medium. This past year more than 100 publishers declared a boycott on radio publicity.

Advertising charges for the space in the radio log listings vary. A minimum charge of $1 per 100,000 circulation is made, with the average for the contracted newspapers running about $1.20 per line. In addition to Esso, other advertisers now employing the log medium are Longines-Wittenauer Watch Co., Standard Oil of Ohio and several of the cigarette manufacturers.

In New York, the *Herald-Tribune, Post* and *Brooklyn Eagle* have been contracted. All newspapers in Washington, Philadelphia, Milwaukee and Minneapolis have also signed.

Child Concerts on CBC

TORONTO, Oct. 25.—Canadian Broadcasting Corp. has scheduled a new national network feature, the "Children's Concert Series," to start Oct. 29. Program will be conducted by Wilfred Pelletier of the New York Metropolitan, who will come to Canada twice each month to serve as commentator. The new series is similar to the one conducted for NBC by Walter Damrosch.

Stauffer in from Coast

Don Stauffer, vice-president in charge of radio for Young & Rubicam, returned to the New York office yesterday following two months in Hollywood supervising production of the agency's coast programs.

Middlebrooks Is Here

James Middlebrooks, who supervised the construction of the new KNX transmitter in Hollywood, is in New York on the first leg of an inspection tour of all of the eight owned and operated CBS stations.

Al Rinker Is Married

Al Rinker, brother of Mildred Bailey and a CBS producer, yesterday was married to Elizabeth Neuberger of the Kay Thompson chorus.

DO NOT REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

. 44. NO. 83 NEW YORK, THURSDAY, OCTOBER 27, 1938 TEN CENTS

Regionals End Talks; Allied Returns Today

Preliminary Parleys End With Independents

Distributors have completed their trade practice discussions with most of the regionals and will continue discussions today with some of the unaffiliated regionals and Allied. These negotiations now enter their second week.

The full Allied committee which has been in New York for the negotiations consists of Col. H. A. Cole, chairman; W. A. Steffes, Nathan Yamins, Ray Branch, Sidney Samuelson and M. A. Rosenberg, with Abram F. Myers, general counsel. William F. Rodgers, Gradwell L. Sears and Abe Montague are handling the Allied sessions, which are at the Astor.

The unaffiliated groups representing 1,600 independent theatres, are

(*Continued on page* 2)

WHOM License Cut; Charge Propaganda

WASHINGTON, Oct. 26.—For the first time, the license of a radio station has been questioned because of alleged foreign propaganda broadcast over its facilities, and as a consequence, WHOM, New York and Jersey City, has been given a 90-day renewal of its license, instead of the usual six-month renewal, by the Federal Communications Commission. Meanwhile, an official investigation of

(*Continued on page* 4)

Additional developments in radio are found on page 4

WHN Gets Fordham

Herb Pettey, general manager of WHN, did a strange thing yesterday. He agreed to take as a sustaining feature a program that is being broadcast elsewhere as a commercial.

Seems that N. W. Ayer and the Atlantic Refining Co. besought Pettey to schedule the Fordham-Pitt game because New Yorkers had been clamoring for it.

Bondy Delay May Set Back RKO Emergence from 77b to Jan. 1

RKO may not emerge from 77b until Jan. 1. This unexpected delay is occasioned by the fact that Federal Judge William O. Bondy is not prepared to act on the pending amended plan of reorganization, although the plan has been approved by Special Master George W. Alger. Not only the fact that opposition counsel have filed very voluminous briefs in the case, but also the fact that Judge Bondy will be busy in the motion part of the Federal Court, compels him to move slowly in the matter. And there is mixed feeling in RKO and disappointment over this delay in the trade.

RKO has been before the courts for six years and its affairs have been fully aired, privately and publicly. The disappointment is all the more keenly felt in view of the fact that the court, on numerous occasions, has urged speed in rescuing RKO, and that untoward delay might prove costly to the firm. The present delay naturally will raise the cost of RKO's 77b proceedings and prolong in office the trustee, and keep other counsel on tap awaiting the final gong.

Major Defendants File Request for Trust Case Facts

Applications for bills of particulars, and a more definite statement of the Government's complaint in its anti-trust suit against the eight major companies, were filed yesterday in the U. S. District Court by a number of the defendants.

Paramount Pictures, Inc., 20th Century-Fox Film Corp., Irving Trust Co., as trustee for RKO, Loew's, Inc., Warner Bros. Pictures, Inc., Keith-Albee-Orpheum Corp. and Universal Corp. filed applications in behalf of themselves and their subsidiaries, officers and directors. Chase National Bank, National Theatres Corp. and Courtland Smith also filed. The hearings for all motions for bills of particulars will be held Nov. 1 before Federal Judge Bondy.

Columbia filed its application earlier in the week and United Artists will do so today. These companies are asking separate responses from the Gov-

(*Continued on page* 2)

White House Staff To See Temple Film

WASHINGTON, Oct. 26.—Mark Lachmann, 20th Century-Fox representative, has invited Mrs. Roosevelt, members of the White House family and several Government officials to attend the premiere of Shirley Temple's new picture, "Just Around the Corner," at Loew's Capitol Friday night.

There will be no special screening at the White House, as originally planned, because of Mrs. Roosevelt's absence from the city.

City Seeking Heavy Film Tax Penalties

Penalties aggregating more than $100,000 are being sought of major distributors by the city comptroller's office for failure to pay the two per cent city sales tax from March 31, 1935, to June 15, 1937.

Hearings on penalties assessed against United Artists are now under way, with the law firms of O'Brien, Driscoll & Raftery and Schwartz & Frohlich representing the distributor. A hearing scheduled for yesterday was postponed at the request of the city to Nov. 4. Preliminary hearings

(*Continued on page* 2)

Schaefer to Attend Variety Club Dinner

George J. Schaefer, operating head of RKO, will attend the 10th annual Variety Club banquet in Pittsburgh, Sunday, and from there he will go to the M.P.T.O.A.'s annual convention at Oklahoma City. He will return to New York, according to present plans, early in the week. It is very likely that he will soon visit the coast, where he will join Leo Spitz in meeting RKO's studio people.

Delay Philadelphia Move on Allied Unit

PHILADELPHIA, Oct. 26.—Formation of an Allied unit here has been postponed until Friday. Col. H. A. Cole, Sidney Samuelson and Abram F. Myers are scheduled to attend a session of local exhibitors.

Eleven local theatre men attended a meeting in Atlantic City last week to discuss the plan.

Universal Now In Middle of Odeon Merger

American Firm May Get Million for Share

LONDON, Oct. 26.—Apparently the only assured American distribution which would be associated in the contemplated Odeon (Oscar Deutsch) merger with Gaumont British and General Theatres (Lord Portal-Arthur Rank-C. M. Woolf) is the Universal distribution.

If included, Universal would get a considerable amount for its end, possibly $1,000,000. J. Cheever Cowdin, chairman of the Universal board, is looking after U's interest here most diligently, and whether or not the big merger can have the "U" distribution is not yet fully determined.

The $40,000,000 deal, which proposes to include the Bernstein Circuit also, still is far from completion, but is progressing.

There is still no definite word concerning the position of M-G-M and 20th Century-Fox in this matter. Sentiment here is that the Ostrers are determined to put their end over, regardless.

Warm Weather Hits Broadway's Grosses

Warm weather continued yesterday to affect grosses along Broadway. Despite the weather, however, "Men With Wings" opened at the Paramount with $9,000 for the day. "Stablemates" took $40,000 for the week at the Capitol and was held over.

At the Music Hall, "The Mad Miss Manton" finished with $70,000. It will make way today for "Young Dr. Kildare." "Suez," which starts its third week at the Roxy tomorrow, will be followed by "That Certain Age," but no date has been set. "Storm" will follow "Service De Luxe" at the Rivoli Saturday.

Just a Short Show

Cincinnati, Oct. 26.—The Strand, downtown subsequent run, has inaugurated a stage show policy on Saturdays with a feature picture, newsreel, short, cartoon and seven acts of vaudeville at 15 and 25 cents.

Regionals End Talks; Allied Returns Today

(*Continued from page* 1)

meeting with S. R. Kent and Ned E. Depinet. William F. Crockett, who acted as chairman of the unaffiliated committee, and Benjamin T. Pitts, both representing the M. P. T. O. of Virginia, left for their homes in Fredericksburg last night. This may indicate that the latter committee has about completed its work.

Others who attended the sessions were Harry Brandt, Laurence Bolognino and Leon Rosenblatt, for the New York I. T. O. A.; Leo F. Wolcott, president, Allied I. T. O. of Iowa-Nebraska; Hugh W. Bruen, Albert A. Galston and R. H. Poole, I. T. O. of Southern California and Arizona; John Rugar and D. K. Edwards, Intermountain Theatres Association, and Charles R. Gilmour, Rocky Mountain Theatre Owners and Managers. Pitts held the proxy for the Kentucky unit.

New Louisiana Rule Tangles Tax Battle

New Orleans, Oct. 26.—Opposition of Louisiana exhibitors to the state and city sales tax on film rentals has been complicated by a demand just made that payments be made through distributors instead of directly to tax agencies.

R. H. Alexander, assistant collector of the sales tax, has informed distributors that they must collect the tax from exhibitors and that he is informing theatre men that this must be paid through the exchanges.

Principal theatre operators of the state recently began paying the tax under protest directly to the state and city and filed suit contesting constitutionality of the law at Baton Rouge.

Ruling followed a conference with distributors.

Surrey Council May Regulate Seat Price

London, Oct. 26. — Surrey County Council plans to consider the adoption of regulations on the price of film theatre seats, similar to that passed by the London County Council, to which exhibitors have raised strenuous objections, and which they plan to fight in court.

The exact date for consideration of such a measure by the council has not been determined. More than 100 theatres would be affected by seat regulations in the area.

Ampa to Hold First Fall Meeting Today

Ampa will hold its first meeting of the season today at noon at the Astor grill. The meeting will initiate the Ampa's new clubrooms.

Maurice Silverstone, chairman of the U. A. executive committee, will be the principal speaker. Hugh Herbert is scheduled to be present. A program of entertainment has been arranged.

Purely Personal

HAL HORNE, Walt Disney eastern representative, and Kay Kamen, representing Disney Enterprises, will sail for London tomorrow on the *Ile de France.*

●

James Finney of the Walt Disney New York office is recuperating at his home from injuries received when he was struck by an automobile several days ago.

●

T. Keith Glennan, operations manager of the Paramount studio, will arrive here today with three assistants.

●

Irving Shiffrin of RKO publicity leaves today for Baltimore and Philadelphia on special tieups.

●

Walter Gould, U. A. Latin America sales manager, is due Nov. 9 from a survey of his territory.

●

Prof. Alexander Laszlo, producer and musical director of Hungarian films, has arrived in town. He will make his headquarters with Danubia Pictures until he starts a lecture course at the University of Chicago in February.

●

Edward Everett Horton, who returned recently from England, is due to sail tomorrow on the *Ile de France.* Other passengers are listed as Lily Damita and Mrs. Eric Von Stroheim and son.

●

Arthur W. Kelly, vice-president in charge of U. A. foreign distribution, will sail for Italy on the *Rex* Saturday.

●

Leo Pillot will leave for Kansas City next week to put on an advance campaign for "Dark Rapture."

City Seeking Heavy Film Tax Penalties

(*Continued from page* 1)

involving penalties against Columbia, RKO, Paramount and Warners have been held.

The film companies, acting on the assumption that a municipal emergency tax was not applicable to a business in interstate commerce, did not pay the tax from the time of its enactment until June 15, 1937. In the meantime, the state Court of Appeals held that the tax was collectible on films exhibited in theatres within the city limits. The distributors then paid the tax arrears, but the city now is pressing for interest and penalties on those amounts.

Warners to Request Chadwick Testimony

Application will be made today in N. Y. Supreme Court by M. Witmark & Sons, Inc., Warner Bros. Pictures, Inc., and Warner Bros. Productions Corp., defendants in a suit for $250,000 damages and an injunction, for a commission directing the examination of I. E. Chadwick and Jerome Storm in Los Angeles.

The suit, which was brought by Harry Armstrong and Richard H. Gerard, as composers of the song "Sweet Adeline," charges plagiarism by Warners in the picture, "Sweet Adeline."

The defendants seek the examination to prove that Chadwick Picture Corp. produced a picture of the same name some years back.

Orders Mayers to Testify

N. Y. Supreme Court Justice Philip J. McCook yesterday directed Arthur A. Mayers, president of Du World Pictures, Inc., to submit to an examination before trial in the suit brought by Societe Agatos, S. A., against DuWorld for $3,000 damages. The plaintiff is suing to recover on an alleged contract.

Harttmann Opens House

Kansas City, Oct. 26.—George Harttmann has opened the State, new $25,000 house at Mound City.

Disney Bargaining Hearings Conclude

Hollywood, Oct. 26.—Hearings concluded tonight on petitions by the Federation of Screen Cartoonists, the Society of M. P. Film Editors and the intervening petition of the I. A. T. S. E. in collective agency bargaining selections for Walt Disney Studio employes.

William Ringer, N. L. R. B. trial examiner, planned to leave for Washington tonight after winding up the hearings. With the I. A. T. S. E. intervention, attorneys for the Federation and the Alliance entered stipulations under which the Federation would not petition to be named the agency for crafts over which the I. A. T. S. E. has jurisdiction.

Wobber Starts West; Cancels MPTO Visit

Herman Wobber, 20th Century-Fox distribution head, has canceled his plans to attend the M.P.T.O.A. convention in Oklahoma City. Called to the coast by urgent business, he will leave tomorrow with William J. Kupper, western division manager, for Los Angeles, from where they will start a swing of branches with James P. O'Loghlin, Kent Drive leader.

Wobber will confer with Darryl F. Zanuck at the studio before leaving on the tour. He will accompany his wife and daughter, Joan, as far as Chicago.

Butler to Quit 20th-Fox

Los Angeles, Oct. 26.—Dave Butler, veteran director-writer at 20th Century-Fox, will leave the studio on completion of "Kentucky," his current assignment, for an unannounced post.

Alstock En Route East

Los Angeles, Oct. 26.—L. F. Alstock, Selznick International comptroller, left today for New York to confer with Jock Whitney and David Selznick.

Rhodes to Manage Fulton

Pittsburgh, Oct. 26.—Robert W. Rhodes, from the Colonial, Akron, has been appointed manager of the Shea-Hyde Fulton here, succeeding John Goring, who resigned recently.

Major Defendants File Request for Trust Case Facts

(*Continued from page* 1)

ernment, whereas the applications of the other major defendants are uniform, to all intents and purposes, in order to simplify the work of the [illegible]partment of Justice in furnish[illegible] answers.

The defendants' procedure, agreed upon during conferences with department officials in Washington last week, takes the place of a filing of answers to the Government's complaint, which otherwise would have been due Nov. 1. Under this procedure, defendants' answers will not be due until some time in December.

Report J. L. & S. May Drop the State-Lake

Chicago, Oct. 26.—If Jones, Linick & Schaefer lease the Oriental, as expected, the State-Lake will be turned back to Balaban & Katz, it was reported today. Jones, Linick & Schaefer have announced they intend to put stage shows and pictures into the Oriental. This is the policy now maintained at the State-Lake.

It is understood that B. & K. will convert the State-Lake into a first run and may drop the Roosevelt with the expectation that it will be converted into stores.

Ben Cohn Is Married

Word has been received from Calcutta of the marriage on Oct. 23 of Ben Cohn, managing director for Loew's there, to Berta Duff, daughter of Ishan and Mrs. Duff of New Haven. Cohn was a New Haven resident before going to Calcutta several months ago.

Center Theatre to Open

Center Theatre will reopen in January with a Sam H. Harris musical, according to present plans. The Equity council has granted an additional week for rehearsals because of the large cast which is to be employed.

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: Motion Picture Herald, Better Theatres, Teatro al Dia, International Motion Picture Almanac and Fame.

BUREAUS:—*Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address. Quigpubco, London; Hope Williams, manager.

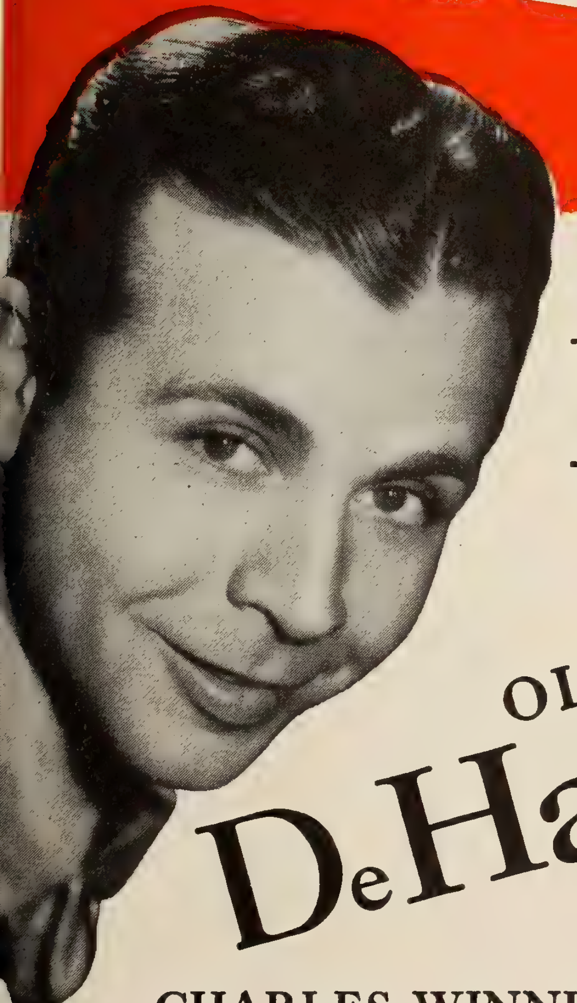
Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

It's HARD to remember a livelier show!

It's hard TO forget the laughs it's jammed with!

It's hard to GET better entertainment anywhere!



DICK
Powell

OLIVIA
DeHavilland

(A new team—and a swell one!)

CHARLES WINNINGER · ALLEN JENKINS
BONITA GRANVILLE · MELVILLE COOPER

Directed by RAY ENRIGHT • Screen Play by Jerry Wald, Maurice Leo and Richard Macaulay • From an Original Story by Wally Klein and Joseph Schrank • Suggested by a Story by Stephen Morehouse Avery • Music and Lyrics by Harry Warren and Johnny Mercer

Get It Now! It's Ready for Release by

WARNER BROS.

MOTION PICTURE
DAILY

Radio Makers Declare High Power Needed

WASHINGTON, Oct. 26.—Maintenance of cleared channels and the "highest practicable" power on all broadcasting frequencies was urged today upon the Federal Communications Commission by the Radio Manufacturers' Association as necessary to satisfactory broadcasting service.

Resolutions adopted by the R.M.A. board of directors were laid before the commission, and later will be submitted to all members of Congress, opposing an indicated trend in commission policy and sentiment in Congress toward reduction of power of cleared channel operation, neither of which is regarded by the association as in the public interest nor that of the radio industry generally.

Pointing out that while station signals travel over tremendous distances, the area to which useful service can be rendered is limited by the radio noise level, and that certain other factors are involved which tend toward interference, the resolutions stated that there is no known practicable method by which limitation of the noise level may be avoided other than by sufficiency of power at the transmitting station. Inter-station interference can be avoided only by the use of cleared channels.

Accordingly, it was recommended that the number of frequencies now assigned to cleared channel operation should be maintained and encouragement given to the employment of the highest practicable power on all channels.

Walker Will Conduct New Series on WMCA

Jimmy Walker, long reported to be in line for a radio commercial, has been engaged to conduct a new series to be sponsored by the Modern Industrial Bank over WMCA, starting Nov. 6. Walker, however, is donating his services, and his fees will be turned over to various charities.

The new show will feature talent from WMCA, and the programs each week will emanate from the auditorium of a different charitable institution, with the inmates as the studio audience.

The programs will be broadcast Sundays from 2 to 3 P.M. The contract is for an indefinite period.

Two New Low-Power Permits Are Sought

WASHINGTON, Oct. 26.—Applications for authority to construct two new low-powered broadcasting stations have been filed with the Federal Communications Commission by C. T. Sherer Co., Inc., seeking a 1,200-kilocycle station at Worcester, Mass., and Albemarle Broadcasting Co., planning a 1,370-kilocycle station at Elizabeth City, N. C., both to have 100 watts power night, 250 watts day.

Other applications received included a request from WEXL, Royal Oak, Mich., for permission to change frequency from 1,310 to 1,300 kilocycles and increase power from 50 to 250 watts.

▸ *Radio Personals* ◂

ABBOTT and Costello, comedians on the Kate Smith program, go into the Casa Manana for a four-week stay Nov. 4 . . . Guy Lombardo's band is back in New York for another season at the Roosevelt Grill . . . Dick Fishell, WHN sports director, will be the principal speaker at the Fordham rally prior to the Pitt game . . . Hugh Herbert will be Radie Harris' guest on Mutual tonight . . . Gail Patrick has been set for an appearance on the Al Jolson show Nov. 1, through a deal by Herman Bernie for Myron Selznick, Ltd. . . . The Lane Sisters and Gale Page will appear on the Eddie Cantor show Monday.

✚

Carlo Morelli, Met baritone who soon begins his own series on WOR, leaves for Chicago Saturday where he will appear in a number of roles with the Chicago Civic Opera. . . . Wade Jones of the CBS publicity department is in the hospital having his appendix frozen. . . . Victor Sims, radio violinist, is forming an orchestra of 12.

I. T. & T. to Equip Two Swiss Stations

International Telephone and Telegraph Corp. has been awarded a contract through its subsidiary, Bell Telephone and Manufacturing Co. of Berne and Antwerp, by the Swiss Government for equipment to modernize the studios of broadcasting stations at Lugano and Zurich. The company recently received an order to equip the Belgian Government's new broadcasting station at Brussels.

The development and manufacture of broadcasting studio equipment is a new activity for International Telephone and Telegraph.

Hotel Wins Against NBC

PITTSBURGH, Oct. 26. — A jury awarded the Summit Hotel of Uniontown, Pa., $15,000 damages today in its $100,000 suit against NBC. The hotel said its reputation was damaged by a remark made by Al Jolson during his program three and a half years ago when he interviewed Sam Parks, Jr., golfer, who was professional at the Summit then. Jolson was named co-defendant in the original suit, but was later dropped. NBC said Jolson ad-libbed the remark, that it wasn't in the original script, but the jury held that made no difference.

Hay Sues Lum 'n' Abner

LOS ANGELES, Oct. 26.—Bill Hay, announcer who does the Amos 'n' Andy broadcasts, today sued Lum 'n' Abner for an accounting and 10 per cent of their earnings, claiming he obtained a five-year contract for Lum 'n' Abner in 1931, but instead of his promised 10 per cent commission they paid him only $191.

"Ideas" New NBC Show

"Ideas That Come True" is the title of a new NBC show to start Nov. 3 at 2 P. M. on the Blue. Dr. Rollo G. Reynolds of Teachers' College, Columbia University, will be the narrator and author.

Cancels Contracts

San Francisco, Oct. 26.—In line with the station's new policy of "better programs," KYA Manager Reiland Quinn has cancelled contracts of four advertisers, representing a revenue slash of $450 weekly. Among the contracts quashed were a foreign language program and medical and oil land lease talks.

WHOM License Cut; Charge Propaganda

(Continued from page 1)

the station has been ordered. H. F. O'Mealia is listed as president of the corporation owning the station.

The commission's report shows that many listeners have protested various specific programs broadcast in the Itailan, Arabic and German languages, characterizing them variously as being "vicious foreign propaganda," "subversive," "diatribes against the Jews" and "extolling Fascist Italy."

The station has since discontinued the programs under attack.

Cancel Winchell on 19 Coast Stations

Jergens-Woodbury, sponsoring Walter Winchell's program and the Hollywood Playhouse series with Charles Boyer, is canceling the west coast hookup of 19 stations which carry the programs.

Attempts to ascertain the reason for the cancellation failed.

Hettinger Joins World

Dr. Herman S. Hettinger has been appointed market consultant by World Broadcasting System to serve in an advisory capacity on marketing problems in connection with the World Transcription System. Dr. Hettinger was formerly director of research for the National Association of Broadcasters.

Von Wiegand on NBC

Karl H. Von Wiegand, foreign correspondent for INS, back from Europe, has been signed by NBC to do a short series of broadcasts on the European scene. He will be heard over the Blue today, tomorrow and Nov. 2 at 7:30 P. M. He will sail for Europe on the *Queen Mary,* Nov. 4.

Pittsburgh Has Series

Pittsburgh Coal Co. is sponsoring a new series titled "Champions of the Keyboard" over a split NBC network, the stations including WTAM, WLEU and KDKA, with the origination from the studios of the latter station in Pittsburgh. The contract is for 13 weeks, with weekly presentations on Wednesdays at 7:30 P. M. Walker & Downing is the agency.

Take Time for Lehman

Independent Citizens Committee for the election of Lehman and Poletti has contracted for three morning periods on WMCA, today, tomorrow and Oct. 31 at 11 A. M. The programs consist of transcribed campaign talks by the candidates.

AT&T Given Time to File Probe Briefs

WASHINGTON, Oct. 26.—Opportunity to make known its views on the charges, comments and recommendations made by Commissioner Paul A. Walker in his proposed report on the $1,500,000 Federal Communications Commission investigation of A. T. & T. was today offered that organization by the F. C. C.

Ordered by Congress in March, 1935, the commission spent 30 months in an investigation of the organization, including its motion picture and radio interests. In October, 1937, Commissioner Walker, in charge of the investigation, was ordered to prepare a report for consideration by the commission. While the proposed report was under consideration, one of the many commission leaks occurred and much of its contents became known, influencing the commission to send the five-volume document to Congress April 1.

Prepared now to complete its assignment by making a formal report and recommendations, the commission today gave A. T. & T. and its subsidiary and affiliated companies 30 days in which to file briefs.

A major feature of the investigation was the activities of the telephone company in motion picture and broadcasting development, the former through Erpi and the latter through its control of wire facilites, as well as its own experiments in the operation of broadcasting stations. The company was shown also to have been interested over a considerable period in the development of television.

While Commissioner Walker's proposed report did not condemn the research work which had been conducted in these fields, it did recommend that the F. C. C. be given authority to limit the scope of Bell system activities to the field of communications, including the power to prohibit any company from devoting its assets and energies to commercial exploitation of non-communications fields when it appears that such activities may be detrimental to the public interest.

With respect to radio it was recommended that the Communications Act be amended to prohibit discrimination not only of services and charges in connection with the use of wires in chain broadcasting, but also of practices, classifications and regulations.

Chicago's Colored Operators Get Jobs

CHICAGO, Oct. 26.—An agreement has been reached with the operators' union under which colored operators will be used exclusively in several theatres catering to colored patrons.

It is expected a contract will be signed shortly extending the present wage scale to June 1.

CBS Promotes Thompson

Tony Thompson, night supervisor of the master control room at CBS, has been promoted to supervisor of field engineers. John Norton from the field department has taken over Thompson's duties in master control.

Motion Picture

HISTORY IS BEING MADE

BY FRANK CAPRA'S "YOU CAN'T TAKE IT WITH YOU"

5 WEEKS PANTAGES AND HIL
All Record

3 WEEKS PARAMOUNT, BROOKLYN...GR

BEATS "SNOW WHITE

2ND HOLDOVER IN EIGHT Y

5 WEEKS SHUBERT, CINCIN

5 SENSATIONAL WEEKS LIBE

3 RECORD WEEKS RADIO CITY MUSI

58 HOLDOVERS AFTER ONLY 3 WEEKS OF GENE

"YOU CAN'T TAK

A COLUM

TREET (DAY AND DATE) LOS ANGELES!

Broken!

ES SURPASS ALL PAST PERFORMANCES!

AMBASSADOR, ST. LOUIS!

RS AT EARLE, WASHINGTON!

TI, TO SMASHING BUSINESS!

Y, SEATTLE, AND STILL GOING!

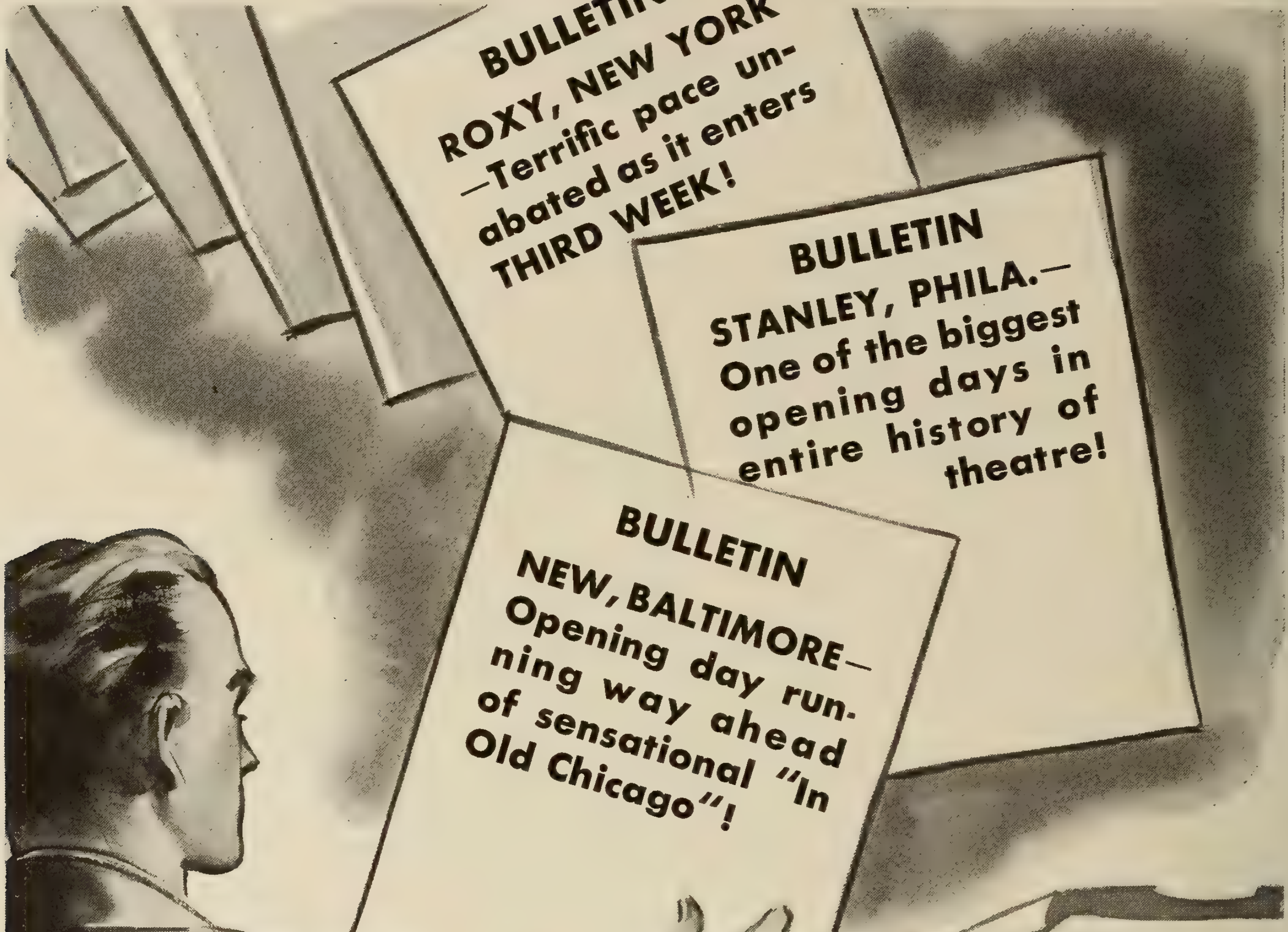
ALL TO ATTENDANCE OF 500,000!

L RELEASE MAKE MOTION PICTURE HISTORY!

E IT WITH YOU"

A PICTURE

THE RETURNS ARE COMING IN— 'SUEZ' IS SWEEPING THE NATION!


BULLETIN
ROXY, NEW YORK —Terrific pace unabated as it enters THIRD WEEK!
BULLETIN
STANLEY, PHILA.— One of the biggest opening days in entire history of theatre!
BULLETIN
NEW, BALTIMORE— Opening day running way ahead of sensational "In Old Chicago"!

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

DO NOT REMOV.

Alert.
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

V[illegible] 44. NO. 84 NEW YORK, FRIDAY, OCTOBER 28, 1938 TEN CENTS

Rockefeller Won't Go on RKO's Board

Decides Not to Accept Creditor Invitation

Nelson Rockefeller has decided that he will not personally sit on the new RKO board. He had been urged to accept membership on the board by major RKO creditor interests, who have been very desirous of obtaining his personal association with that body upon the company's reorganization.

It is understood, however, that Rockefeller is willing to permit Rockefeller Center, which is the largest individual creditor of RKO, to be represented in the new board. Possibly Rockefeller Center will have two representatives. One of these is expected to be W. G. Van Schmus, managing director of the Music Hall. This decision of Rockefeller not to accept membership on the board is a disappointment to creditors.

Throughout the recent period he

(*Continued on page 4*)

Columbia Officials Get Stock Options

WASHINGTON, Oct. 27.—Samuel J. Briskin, A. Schneider and A. Montague have decided to take up options on 37,500 shares of no par common stock of Columbia Pictures Corp., it was disclosed today in a report filed with the Securities and Exchange Commission. The stock will be issued out of 1,000,000 shares already authorized.

Briskin will get 10,250 shares and Schneider and Montague 7,687½ shares each at $13.5366 per share for 25,625 shares. The remaining 11,875

(*Continued on page 4*)

Exhibitor Groups Off to Convention

Exhibitor delegations from New York, New England and Philadelphia left last night for Oklahoma City and the M. P. T. O. A. convention, which will open at the Biltmore Hotel there Sunday. Approximately 65 delegates were in the contingents leaving from the Atlantic coast cities. Other conventioneers, including a number of

(*Continued on page 4*)

Radio—Page 9

English May Visit

London, Oct. 27.—Two film trade parties may visit the New York World's Fair in New York in 1939. Arthur Taylor, who twice before has headed parties of British exhibitors to the United States, has been asked by various groups to organize a visit for next year.

Taylor is understood to be favorably disposed, if support is promised.

No Wage-Hour Rulings Ready For Attorneys

WASHINGTON, Oct. 27. — Counsel for the motion picture companies who tomorrow will confer with Wage-Hour Administrator Elmer F. Andrews regarding application of the new labor standards act to the film industry are expected to be disappointed in their request for definite rulings, it was indicated here tonight.

Aside from the classification of exhibition as a service industry, exempted in the law, and the definition, already issued, of executives and administrators, outside salesmen and professional workers, also exempted, the admininistrator is without authority to issue interpretations and has already warned that such definitions as he may issue, other than those called for in the law, will be without

(*Continued on page 3*)

ODEON-GB MERGER MAY OUST OSTRERS

UA to Attack Federal Suit Next Tuesday

First attack on the Government complaint in the anti-trust suit will be made Tuesday by United Artists before Federal Judge William Bondy at hearings for bills of particulars. U. A. will ask that paragraphs which charge a producers' monopoly, unfair trade practices and favors granted to producers by each other be stricken out. Benjamin Pepper of O'Brien, Driscoll & Raftery will present the argument.

A request that time to answer be extended until 60 days after a bill of particulars has been furnished by the Government will also be made on behalf of all defendants. Motion papers revealed that Assistant Attorney General Thurman Arnold recently rejected a request for further time unless directed by the court.

However, the latest move by the defendants is expected to set the date back from Nov. 1 to the early spring. A single demand on behalf of majors with theatre affiliates and Universal will be made. The demand consists of 114 items, with 56 sub-divisions. If the Government is required to give

(*Continued on page 4*)

Philip Hill May Become Chairman Under New Concentration

LONDON, Oct. 27.—It is understood here that the Ostrer Brothers would relinquish control under the proposed merger of Gaumont British and Odeon, and that under a new concentrated setup of several organizations Philip Hill, head of the investment house bearing his name, will be chairman, controlling the entire group. The arrangement, it is said, would concentrate G.B., Odeon, Bernstein Theatres, General Film Distributors and Pinewood. It is considered certain that a strong G.B.-Odeon booking arrangement will be part of the arrangement.

It is understood that under the out-of-court settlement of the action by John Maxwell, head of Associated British Pictures, against the Ostrers, G.B. heads, in connection with the sale of G.B. shares to Maxwell, the latter is guaranteed $3,000,000 for the shares, valued at $2,500,000. The payment is understood to be on the basis of $300,000 annually, and it is believed the share holdings will be returned only on completion of the payment in 10 years.

It is also believed that Maxwell,

(*Continued on page 4*)

Majors' Practice Plan Ready Soon

Definite proposals by the distributors on a trade practice program are expected to be in shape late next week, after a series of meetings held with the M. P. T. O. A., Allied and regional exhibitor groups.

W. F. Rodgers, Gradwell L. Sears and Abe Montague held a session yesterday afternoon with the Allied committee at the Astor. The talks are to be resumed today and a preliminary agreement with Allied may be reached.

Regional problems were discussed in meetings with the I. T. O. of Southern California and others yesterday. These discussions will wind up this afternoon.

Rodgers yesterday said he hoped to attend the M. P. T. O. A. convention in Oklahoma City, starting Sunday, but his plans were uncertain.

Silverstone Asks Publicity Men to Protect U.S. Ideals

Publicity men are standard bearers in the creation of public opinion and only in this country of free institutions can they ply their art, Maurice Silverstone told members of Ampa and their guests at the first fall luncheon yesterday.

Silverstone impressed upon his hearers their responsibility in seeking to preserve American institutions. He had observed European totalitarian states closely, he said, with their "common informers" and their universal fear and restraint.

"I quite realize your profession is a different one," he said. "You are endeavoring to portray the fine qualities of our industry. You are the standard bearers of 80,000,000 persons in developing taste. You really have a great task to perform, and I earnestly hope you realize it.

"We are lucky we are here. You have in your hands the greatest existing medium for preserving what you have in the way of liberty. Let us by dignity and restraint preserve the American spirit. Don't overlook any opportunity to fight properly for the preservation of the ideals of this country."

The luncheon was held in the grill of the Hotel Astor which is to be redecorated and made available as clubrooms for Ampa. The attendance was so large it was necessary to bring in a number of additional tables. Paul Lazarus presided in the absence of Ralph Rolan. With him

(*Continued on page 3*)

◂ Purely Personal ▸

HERBERT GRIFFIN, executive vice-president of International Projector Corp., and George Friedl, Jr., director of sound engineering, have left for the Society of Motion Picture Engineers convention in Detroit, which starts Monday.

•

H. A. Ross, Densmore and Richard Ross, Frank Miske and Don Hall, all of Ross Federal Service, will attend the Variety banquet in Pittsburgh Sunday. They will be joined by Walter Brown of Chicago and C. R. Corridani of Cincinnati.

•

Hal Horne, sailing today on the *Ile de France,* will visit England, France, Switzerland, Belgium. Holland, Sweden, Poland and Italy on distribution of "Snow White." He will be gone five to seven weeks.

•

Tom Mead, Universal Newsreel editor, is back at his desk although still not completely recovered from injuries received in an accident about six weeks ago.

•

Leonard Schlesinger, Warner Theatre executive, will be tendered a bachelor dinner at the Ritz Tower Nov. 2. He will marry Rose Coyle Nov. 4.

•

Gene Aiello has resigned from United Artists where he had been employed in the publicity department for the past four years.

•

Archie Mayo, Goldwyn director, will be guest star on Cal Tinney's "If I Had a Chance" tonight at 8:30 over WJZ.

•

W. A. Scully, Universal general sales manager, will leave tonight for Pittsburgh and the annual Variety Club dinner.

•

Richard Oppel, Canadian representative for Walt Disney Enterprises, will sail on the *Ile de France* today with Hal Horne.

•

Richard Haydn arrives today from London to appear in the new Beatrice Lillie show.

•

Richard English's story, "Hot Piano," has been bought for production by M-G-M.

•

Roland Young will return to the coast by train today after a 10-day vacation in New York.

•

Art Schmidt, Loew publicity man, has returned from Syracuse and Rochester.

•

William Saxton, Loew's city manager in Baltimore, is here conferring with Joe Vogel.

Award Quigley Trophy

Consolidated Film Industries' baseball team, winners in the 1938 Motion Picture Baseball League, received the Quigley Publications Trophy last night at a dinner-dance at Little Ferry, N. J. James P. Cunningham of *Motion Picture Herald* presented the trophy to Harry Marcus of Consolidated,

Insiders' Outlook

SINCE the days of Hiram Abrams, who died at 48, the men who governed United Artists have gone on to greater eminence in the trade. Dr. A. H. Giannini is not an exception. He seeks no greater fame than he enjoys already in many fields, additional to his industry leadership, nor does he wish for any privilege greater than he now exercises as the friend and counsellor of those who direct this great business. Al Lichtman was president of U. A. for a short time when he tore up a contract to run the company for several years. Joseph M. Schenck is chairman of 20th Century-Fox. Darryl Zanuck heads production of 20th Century-Fox. George J. Schaefer, who governed operations of U. A. under Dr. A. H. Giannini, now is operating head of RKO, and Maurice Silverstone is only now embarking on his career, by this token, as general manager of United Artists.

▼ ▼

Aside from the fact that "The World Is Ours" was intended as a promotion stunt for the Motion Pictures' Greatest Year drive, the film has much to recommend it to exhibitors. It is the first film designed to portray the picture industry as an industry, in much the same way that the steel, automobile and other industries have portrayed their activities.

The film runs 21 minutes. It was produced by Frank Whitbeck with Basil Wrangell as director. It includes excerpts from "The Great Train Robbery," "Bertha the Sewing Machine Girl" and an old William S. Hart film. It also has a tour of the studios showing various films in work, and it presents a number of stars.

It would be a good short for any program, even if exhibitors had to pay for it. With no charge, it is something special. About 1,000 prints have been made and distribution will be handled by all exchanges.

▼ ▼

Lennen & Mitchell, Inc., paid United Artists for the use of material from the company's film, "Thunder in the East," on the Woodbury program last Sunday. This is the old Charles Boyer-Merle Oberon film which was made abroad and known as "La Bataille."

▼ ▼

Loew's yesterday turned down an offer of $15,000 a week for 39 weeks from a sponsor for radio rights to the Hardy Family picture series. Charlie Morrison, who has been working here on the deal for Loew's, returns to the coast today.

Reason for Loew's refusal is the fear that a radio series might prove harmful to the popularity of the picture series.

▼ ▼

United Artists has arranged a contest tieup with the *N. Y. Journal - American,* on David Selznick's latest film, "The Young in Heart." This contest begins Monday. Prizes totaling $500 will be distributed to readers who submit the best letters on their personal problems.

Understood that U. A. is spending an amount of additional money for advertising in connection with the tieup. Jack Smith represented the *Journal-American* on the deal, with Lynn Farnol representing U. A.

Film Rental Awards Confirmed by Court

Four suits seeking judicial confirmation of awards ranging from $15 to $177, granted after arbitration against theatre owners, were filed yesterday in the N. Y. Supreme Court by 20th Century-Fox.

In each suit the plaintiff secured an award based on alleged breach of contracts. Beatrice Cooper, as owner of the Idle Hour Theatre, Long Island City; Temple Amusement Co., as owner of the Temple, Union City; Trio Amusement Co., as owner of the Strand, Newark, and Adenos Amusement Corp., as owner of the Sheldon, Brooklyn, were named as defendants.

Charter Sunset Prod.

Hollywood, Oct. 27. — Incorporation papers were filed today at Sacramento by Harry Wurtzel, agent, and Gilbert Pratt, writer-director, for Sunset Productions, Inc. The company plans 52 shorts in color on patriotic subjects. Negotiations are under way for major release.

Columbia to Release Eight French Films

Columbia yesterday closed a deal with Paul Graetz, head of Paris Export Film Co., to take over eight films which Graetz some time ago arranged to distribute here through Empress Pictures.

B. S. Moss organized Empress to act as the American distribution outlet for the Graetz organization, which arranges French film world release.

Graetz, who is now in New York, will return soon to Paris. Moss plans to accompany him.

Rooney to Oklahoma

Hollywood, Oct. 27. — Mickey Rooney, accompanied by Les Peterson of the M-G-M publicity department, left today for the Oklahoma City convention of the M.P.T.O.A.

Johnston En Route East

Hollywood, Oct. 27.—W. Ray Johnston, president, and Leon Fronkess, treasurer of Monogram, left here last night by train for the east.

Anticipate 350 at SMPE Convention

Detroit, Oct. 27.—A total of 350 engineers and technical men from all branches of the industry are expected here over the weekend for the opening of the three-day fall convention of the Society of Motion Picture Engineers at the Hotel Statler, starting Monday.

A diversified program of technical papers has been scheduled for the meeting by J. I. Crabtree, editorial vice-president, and Glenn Matthews, chairman of the papers committee. Karl Brenkert of Detroit is chairman of the local arrangements committee, and John Strickler and A. J. Bradford, local man, are assisting W. C. Kunzmann, convention vice-president. Mrs. Strickler will act as hostess, assisted by a ladies' reception committee.

Dr. Herbert T. Kalmus, president of Technicolor, and Gerald F. Rackett, vice-president of production, are expected, and Arthur S. Dickinson of the M.P.P.D.A., candidate for financial vice-president, will come on from New York. RCA Photophone, Camden, National Carbon Co. and International Projector will send representatives.

New officers for 1939 will be named at the opening session Monday, and the annual fall banquet will be held Tuesday evening.

Met Opera to Have Film

For the first time the Metropolitan Opera House will be wired for film sound apparatus so that on Nov. 18 "Sable Cicada," a Chinese picture, may be shown.

The Associated Boards for Christian Colleges in China and the Church Committee for China relief, sponsors of the film, have added to the program a Chinese orchestra, tableaux by Chinese members of dramatic organizations and addresses by leaders in inter-faith humanitarian projects.

Roach Signs Jean Parker

Hollywood, Oct. 27.—Jean Parker today was signed by Hal Roach for a leading role in "It's Spring Again," Oliver Hardy-Harry Langdon feature, to start next week.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: Motion Picture Herald, Better Theatres, Teatro al Dia, International Motion Picture Almanac and Fame.

BUREAUS:—*Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager, *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

No Wage-Hour Rulings Ready For Attorneys

(*Continued from page 1*)

legal weight and will confer no im[illegible]ity upon employers from suits for unpaid minimum wages or overtime compensation which may be filed by employes.

Industrial representatives who have so far conferred with wage-hour officials find the latter restricted to the expression of the most general views in advance of definite rulings by the courts. Because the law is so written as to apply to workers in establishments engaged in interstate commerce or in the production of goods which will move in interstate trade, the actual scope of the act can be defined only by the Supreme Court through a decision as to what constitutes interstate commerce.

Films in Interstate Commerce

While there is no question that distributors are engaged in interstate trade, producers are seen as brought under the law because they produce a commodity which is to move in interstate commerce.

Wage-hour officials today took cognizance of a report that the film group will ask for rulings to apply until a motion picture committee is appointed by Administrator Andrews to make specific decisions on undecided points, explaining that the industry committees' authority will be confined to the single point of recommending the minimum wages which shall apply until the 40-cents-an-hour minimum becomes effective seven years hence. The committees will have no authority to deal with the question of hours or determine the classes of labor or industry to be exempted from the law, it was declared.

Industry Questions Listed

Individual company problems involving the application of the Federal Wage and Hour law were consolidated on an industry basis yesterday for submission to Administrator Elmer F. Andrews.

Coordination of questions on interpretation of the law was accomplished at a meeting at M.P.P.D.A. headquarters of home office attorneys and a studio delegation. The problems to be submitted to Andrews include all major phases of the application of the law to this industry, the types of employes who are exempt and those who come under the law, the branches of the industry which are exempt and branches included, and, in addition, specific questions on overtime pay and extended work shifts in production.

Applies More to Studios

Opinion at yesterday's meeting was that the law will apply to studio employes more than to those in distribution and exhibition. In consequence, only the west coast delegation, which arrived here from Hollywood yesterday, will meet Andrews today. The group includes T. Keith Glennan, Paramount; Victor Clarke, west coast assistant to Pat Casey, producers' labor arbitrator; William Holman, Columbia; Ross Hastings, RKO, and Maurice Benjamin, 20th Century-Fox.

McConville to Sail On Europe Change

A revision of Columbia's distributing operations in Continental Europe as a result of the recent changes and developments abroad will be studied by J. A. McConville, foreign manager, in consultation with the company's European representatives next month.

McConville and Jack Segal, Columbia manager of foreign exchange operations, will sail for London on this mission next Friday aboard the *Queen Mary*. They will confer with Joe Friedman, Columbia's European managing director, and the company's Continental managers, prior to a revision of operations. The recent changes in Central Europe and the Italian decree establishing a Government distributing monopoly are the principal subjects of the conferences. Forced closing of activities of American distributors in Italy and central Europe appears inevitable as a result of the developments.

Arthur W. Kelly, United Artists foreign head, sails for Italy tomorrow, on a similar mission. John W. Hicks, Paramount foreign head; Phil Reisman, RKO, and Sam Morris, Warners, are in Europe now.

Monogram, Republic To Sign with S.A.G.

HOLLYWOOD, Oct. 27. — Monogram and Republic are expected to sign the new Screen Actors Guild contract to which majors have agreed next Monday. Some concessions have been granted by the guild as a result of negotiations with Sam Wolf, Monogram attorney, and Edwin J. Loeb, representing Republic. These affect talent used in westerns.

Pleas of smaller independents will be taken up with guild officers next Monday. The objections of the independents center on the 48-hour week with time and one-half for overtime.

Solbert Forum Speaker

Developments in photography and various uses to which it is put were described by Col. O. N. Solbert of Eastman Kodak at the *Herald Tribune Forum* yesterday.

Chicago Depositions Postponed One Week

CHICAGO, Oct. 27.—Judge Wilkerson in Federal Court today set back one week, to Nov. 9, the date for the taking of depositions in the action of Chicago independent theatre owners against Balaban & Katz and major distributors.

Attorneys for the defendants sought to have the taking of depositions from theatre and exchange executives delayed until after answers to the complaint are filed. They also asked that the date for filing answers be changed from Nov. 19 to Dec. 15, and that no depositions be taken until two weeks later. Judge Wilkerson refused the time extension. Another motion to strike out parts of the complaint was denied.

Refuse Dismissal of Davis-Columbia Suit

N. Y. Supreme Court Justice Charles E. McLaughlin yesterday denied the defendants' application to dismiss the stockholder's suit of Betty Davis against Columbia Pictures, Inc., Jack and Harry Cohn, Joe Brandt and eight other directors and officers of Columbia.

Justice McLaughlin ruled that the plaintiff, as a holder of 162 shares of voting trust certificates, was entitled to bring suit, and that her action was not barred by the operation of the statute of limitations. The suit, which seeks an accounting against the defendants from 1929, charges excessive bonuses paid to Brandt and to Jack and Harry Cohn, and the illegal transfer by them of options issued in 1929 to purchase Columbia stock.

To Open Big Omaha Theatre on "Trial"

OMAHA, Oct. 27.—Tri-States Theatre Corp. will reopen the 3,000-seat Paramount here Saturday, on a "trial basis." House has been dark two years except for occasional legitimate.

Theatre opens with the "Dracula" and "Frankenstein" combination with prices at 15 cents and 25 cents. Success of the opening bill probably will decide the future policy, according to E. R. Cummings, district manager. Jack Kolbo is manager.

Silverstone Asks Publicity Men to Protect U.S. Ideals

(*Continued from page 1*)

on the dais, in addition to Silverstone, were Ruth Texas, who is touring the country as a publicity stunt for the World's Fair and Texas; Hugh Herbert, Henry Santry and Mitchell Crosson.

Lazarus introduced a "newspaper man, columnist, mayor of Studio City and editor of *Studio City News.*" At this point Herbert interrupted with "I hope he means me." Lazarus didn't pause and presented Herbert as the "No. 1 screwball of America."

"I think he's right," Herbert began. "The other day when I arrived in town a bunch of youngsters around the Hotel Warwick crowded in on me looking for autographs. One girl asked: 'Are you really Hugh Herbert?' I admitted it and she dropped her paper and pencil and said: 'Oh, my goodness!'

"What do you suppose she meant?"

Herbert was in top form and told several stories.

While Lazarus was introducing Silverstone as "general manager of United Artists and chairman of the executive council" Herbert leaned toward him and, grasping his hand, remarked: "I'm free lancing now."

Among those present were: James Mulvey, Thomas P. Mulrooney, Arthur W. Kelly, Harry Gottlieb, Harry Kosiner, Lou Lifton, Emanuel Silverstone, Lynn Farnol, Monroe Greenthal, Hortense Schorr, Morris Helprin, Tom Walker, Lowell Calvert, Stephen Pallos, Marcel Hellman and Al Margolies.

Theatre Projects Total to 592 for Nine-Month Period

There were 592 theatre construction projects with a total valuation of $16,568,000 in the first nine months of this year. These figures include new theatres and major remodeling and cover the 37 states east of the Rockies.

This is $5,814,000 under the figure for the corresponding period last year. In 1937 the awards had reached $22,382,000 and there were 693 projects with 3,433,000 square feet of floor area. This year the floor area has totaled 2,128,000 square feet. The figures are from the Dodge Reports Division of F. W. Dodge Corp.

The September total was the smallest since January. Contracts amounting to $1,266,000 included 47 projects with 149,000 square feet. That was approximately half the September, 1937, volume of $2,419,000 for 81 projects with 404,700 square feet. Only January's contracts, amounting to $1,187,000, have dropped under the September valuation.

"Suez" 2-Week Roxy Take Hits $113,300

"Suez" finished its second week at the Roxy yesterday with $51,000 to bring its two-week total up to $113,300. It continues for a third with "That Certain Age" next. At the Strand, "The Sisters," with Horace Heidt and his band on the stage, totaled $46,000 for the second week and also will be held over.

"Vacation From Love" and "Titans of the Deep" will open at the Criterion next Thursday when "Touchdown Army" ends a one-week run. "Five of a Kind" at the Globe and "Storm" at the Rivoli will open tomorrow.

Refuse Cinema Lab Bids

HOLLYWOOD, Oct. 27. — A bid by C. King Charney of $65,500 for the assets of International Cinema Laboratory, now undergoing 77B bankruptcy proceedings, was refused yesterday by Trustee Jack Snyder, who ordered a new call for bids delayed until Nov. 9. The creditors' committee, represented by Sam Wolf, attorney, entered a protection bid of $65,000.

UA-Warner Deal Set

United Artists has closed with the Warner Circuit for the 1938-'39 line-up, involving 400 houses. Joseph Bernhard and Clayton Bond represented Warners, and Harry Gold represented U.A. Gold also closed for the U.A. product with the Mort Shea circuit, with Ed Grainger and A. J. Kearney acting for the circuit.

Plan "Loew Month"

Arthur Loew, M-G-M foreign chief, will be honored by foreign branches which will designate one month during the season as "Arthur M. Loew Month." Loew is now touring South America.

Alma Gluck Passes

Alma Gluck, former Metropolitan Opera singer and wife of Efrem Zimbalist, died yesterday in Rockefeller Institute. She was 54.

UA to Attack Federal Suit Next Tuesday

(Continued from page 1)

the details demanded, the response might take months to prepare.

The affidavit charges that the complaint contains "many vague and indefinite allegations which the defendants cannot know how to meet unless they are made more definite and particularized." It also stated that it is the conclusion of all counsel in the case that it is impossible to answer and prepare for trial unless the details are forthcoming. "The bill will have the effect of clarifying and limiting the issues at trial," the affidavit contends, and unless granted the defendants will be required to investigate hundreds of thousands of complaints which may not be involved in the suit.

Require Contract Copies

The demand seeks names, dates, places, persons affected and agreements on each phase of the complaint. Copies of each written contract are also required. Definition of phrases used in the complaint, "for many years last past," "principal production and exhibition facilities in the motion picture industry," "metropolitan first run houses," "preferred run," "distress methods," "priorities and preferences," "high grade quality films," "valuable stars under contract," "small admission prices," "cheaper pictures," a list of "key cities," "a series of harsh, onerous and unfair trade practices," "dominated and controlled," and others are sought.

Inquiry is also made to determine if the acquisition of the Stanley Co. of America by Warners is part of the monopoly charge. Other demands are: What degree of control or financial interest is necessary to make a theatre "affiliated"? Did the alleged gradual decrease in the number of feature films result from an understanding among defendants? Did the various groups of defendants "dominate" the industry singly or in combination? What are all the specific instances of "innumerable agreements" for long term franchises? Which independent exhibitors and producers were affected?

U. A. Position Different

Pepper, in asking for dismissal of portions of the complaint, states that U. A. is in a somewhat different position from other defendants because it is interested only in distribution. "Consequently," he asserts, "although most of the averments of the petition do not apparently allege matters of complaint against said defendant, nevertheless such defendants are charged in vague and indefinite manner and by broad assertion as participants in the offenses set forth in the petition."

Loew's, Inc., Metro-Goldwyn-Mayer Pictures Corp., Metro-Goldwyn-Mayer Distributing Corp. of Texas, Nicholas Schenck, Arthur Loew, J. Robert Rubin, Edgar Mannix, Sam Katz, David Bernstein, Leopold Friedman, Louis B. Mayer, William F. Rodgers, Isidore Frey, Charles Moskowitz, John R. Hazel, David Warfield, William Parker and Harry Rapf filed appearances yesterday.

Record Cost

Mexico City, Oct. 27.—Cinematografica Internacional, S.A., is spending a record amount for "Don Gil de Alcala" ("Sir Gil of Alcala"), 500,000 pesos ($100,000).

The film, which will be released about the end of the year, stars Jose Mojica, who is receiving $4,000 weekly, a record for Mexican production.

Exhibitor Groups Off to Convention

(Continued from page 1)

home office executives of distributing organizations, will leave today.

Reports on reservations received at the M. P. T. O. A. New York office yesterday indicated that attendance at this year's convention will equal that at the organization's Miami meeting in 1937 when registrations totaled 536. Large delegations from the southwest, the south, middle west and Pacific Coast are reported headed for the convention.

The executive committee of M. P. T. O. A. will meet Sunday afternoon and nominate officers. The slate will be presented to a meeting of the board of directors immediately afterwards. The reelection of Ed Kuykendall as president is accepted in M. P. T. O. A. circles as a foregone conclusion. Few changes in either the board or the officers are expected. Walter Vincent, who has been treasurer of the M. P. T. O. A. for many years, may decline another term, however, due to the press of added duties as chairman of Republic Pictures, in addition to his theatre circuit operations. He does not plan to attend this year's convention.

Ostrers May Be Out Under Odeon Merger

(Continued from page 1)

and not his company, would have a part in any G.B.-Odeon merger.

Informed sources indicate that the settlement was instigated by Hill, backed by the National Provincial Bank, on the theory that a prolonged court action would have a detrimental effect on the industry generally.

How the $40,000,000 merger and possible exit of the Ostrers from G.B. may affect the American end of G.B. has not been ascertained. Nobody is volunteering an opinion in this regard.

Columbia Officials Get Stock Options

(Continued from page 1)

shares are reserved for issuance in the event of an increase in the number of shares each of the option holders may want to take. The stock is to be represented by voting trust certificates if the options are exercised prior to April 1.

As a result of the operation, the company will secure $562,500 which will be used as working capital.

The company reported that the three highest salaries paid during its last fiscal year were $182,020 to Harry Cohn, president; $104,220 to Jack Cohn, vice-president, and $65,220 to Schneider, as treasurer. Seven other employes received an aggregate of $276,662.

The statement showed that Harry Cohn has a contract expiring June 30, next, calling for a salary of $3,500 a week, and Jack Cohn has a similar contract at $2,000 a week. Schneider has a five-year contract from June 10, last, calling for $1,250 per week for the first three years and $1,500 thereafter.

Form International Archives Federation

London, Oct. 27.—British Film Institute has formed the International Federation of Film Archives, designed to assist in the exchange of prestige films.

Germany and France are collaborating, as well as the American Museum of Modern Art Film Library. The first congress of the organizations is scheduled for New York next year.

American participation in the International Federation of Film Archives was completed yesterday at the Museum of Modern Art Film Library, when John Hay Whitney, president, signed the federation charter.

C. K. Stern Dinner Guest

Charles K. Stern, assistant treasurer of Loew's, will be honored tomorrow night at a testimonial dinner at the Astor tendered by Prudence Lodge, 1066, F. & A. M.

The testimonial is to mark Stern's long services to the Masonic order and his charitable work in the organization. A number of high Masonic officials will speak. Louis Nizer will be a guest speaker. A number of film people are on the committee.

The Newsreel Parade

Sweepstakes winners held the newsreel spotlight in the current issue, while the football schedule continues to be of general interest. The reels and their contents follow:

MOVIETONE NEWS—Italian troops leave Spain. High speed tank tested. Ducks and geese in Tule Lake. Shag contest. Coast Guard officer gets flying cross. Air liner crew honored for heroism. Lew Lehr and sweeps winners. Nine planes span ocean. Co-eds climb mountain. Football games.

NEWS OF THE DAY—Japs capture Chinese cities. Sugar cane harvest machine in operation. Air liner heroes praised. Anti-aircraft tank tested. Party for Philadelphia zoo monkeys. Sweepstakes winners.

PARAMOUNT NEWS—Auto factories re-employ 65,000. Aviation heroes receive awards. Sweepstakes winners. Boston jitterbug contest. Football games.

RKO PATHE NEWS—Henry Ford aids unemployment. Wallace proposes farm surplus disposal. Britisher weds "most perfect girl." Fashion display in China. Billiard champion gives exhibition in train. "Information Please" broadcast. Boy Scouts pay tribute to Theodore Roosevelt.

UNIVERSAL NEWSREEL — Sweepstakes winners. Test new Army truck. Sugar cane cutter speeds work. Rodeo at Bellevue Hospital. Ben Snite leaves for Florida. Automobile show. Fashion show. Hunting season opens. Football games.

Rockefeller Won't Go on RKO's Board

(Continued from page 1)

has been most active in helping to smooth out RKO's situation. He [illegible] his associates have been most cooperative in straightening out RKO's complex creditor situation. The Rockefeller people took a leading interest in the matter of the selection of a successor to Leo Spitz and in the naming of George J. Schaefer in that connection.

Rockefeller's personal endeavors in the matter helped settle the $9,000,000 claim which Rockefeller Center had against RKO. The settlement of this claim was a major factor in clearing the early RKO creditor picture. This paved the way for the original reorganization and, of course, the subsequent amendments.

It is possible that had it not been for the Rockefeller cooperation in the RKO situation, the RKO bankruptcy might have been even more prolonged.

Rockefeller's disinclination to serve is prompted by the press of his many other business activities, in addition to his duties as chief executive of Rockefeller Center, Inc.

K-A-O Reports Profit

Keith-Albee-Orpheum and subsidiaries report a net profit after all charges of $596,049.83 for the 39 weeks ending Oct. 1. This compares with a net of $914,672.15 for the same period last year, before provision for surtax on undistributed profits.

B. F. Keith Corp. and subsidiaries report a net of $368,281.46 for the same period. This compares with a net of $663,946.42 for the same period last year, also before provision for surtax on undistributed profits.

It is estimated that for the 52 weeks ending Oct. 1 K-A-O and subsidiaries will show a net of $994,140.39 after all charges, except surtax on undistributed profits applicable to the 13 weeks ending Dec. 31, 1937. This will be equal to $15.46 per share on the 64,304 shares of seven per cent cumulative convertible preferred stock.

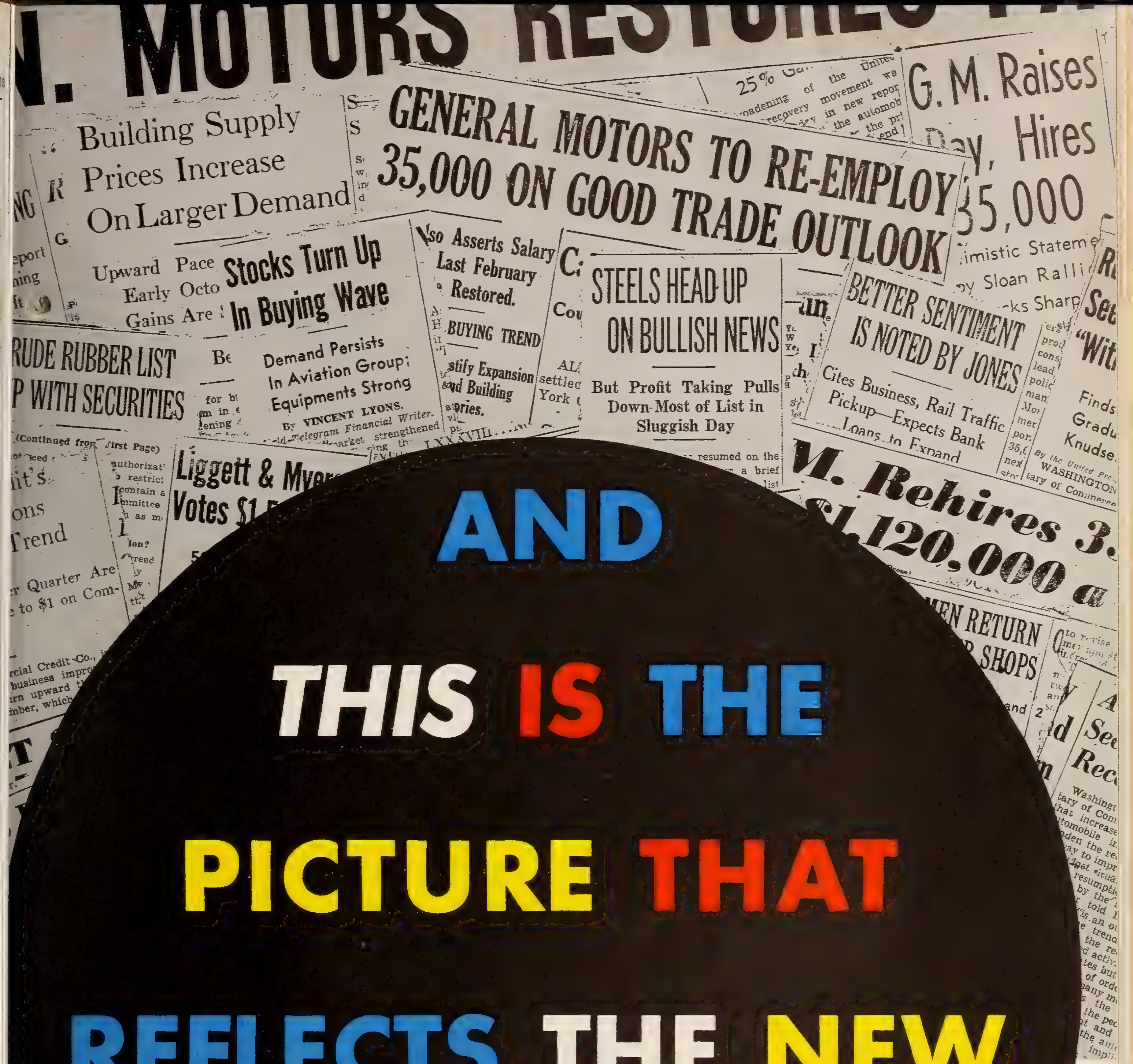
For the same 52-week period, also without provision for surtax on the 13-week period ending Dec. 31, 1937, it is estimated that the B. F. Keith net will be $754,363.41.

Para. Gets 'Beachcomber'

Paramount has closed a deal for distribution throughout North and South America of Erich Pommer's "The Beachcomber," starring Charles Laughton. Negotiations, which have been under way for the past two months, were conducted by Neil F. Agnew, Paramount distribution head, and Budd Rogers, American representative of the Mayflower-Pommer-Laughton producing company.

Butcher Quits Selznick

Hollywood, Oct. 27. — Production manager at Selznick International for the last two years, E. W. (Ted) Butcher resigned today, planning a vacation before announcing a new affiliation.



N. MOTORS RESTORES

Building Supply Prices Increase On Larger Demand

Upward Pace Early Octo Gains Are

Stocks Turn Up In Buying Wave

Demand Persists In Aviation Group; Equipments Strong

By VINCENT LYONS, Telegram Financial Writer.

RUDE RUBBER LIST P WITH SECURITIES

GENERAL MOTORS TO RE-EMPLOY 35,000 ON GOOD TRADE OUTLOOK

G. M. Raises Pay, Hires 35,000

Optimistic Statement by Sloan Rallies Stocks Sharp

Asserts Salary Last February Restored.

BUYING TREND

Justify Expansion and Building

STEELS HEAD UP ON BULLISH NEWS

But Profit Taking Pulls Down Most of List in Sluggish Day

BETTER SENTIMENT IS NOTED BY JONES

Cites Business, Rail Traffic Pickup—Expects Bank Loans to Expand

M. Rehires 3

$1,120,000 a

MEN RETURN SHOPS

Liggett & Myers Votes $1

Finds Gradu Knudse

AND THIS IS THE PICTURE THAT REFLECTS THE NEW OPTIMISTIC SPIRIT →

JUST WHAT THE WORLD WANTS TODAY!

. . . Shirley's great big beaming picture that turns the sunshine on!

A STORY of this very minute! Whose **THEME AND TITLE TIE RIGHT IN** with the buoyant headlines of today! And in that same mood of **BUSINESS-UPSWING**, 20th backs it with a **SMASH NATIONAL CO-OPERATIVE NEWSPAPER AD CAMPAIGN!** For *plus* exploitation it's a natural for your **LOCAL GOOD-TIMES-ARE-HERE** promotions! This in a picture that is probably **SHIRLEY'S BEST** in appealing cast and **ENTERTAINMENT! EVERYONE** in your theatre will love it...and **TELL THEIR FRIENDS** to hurry and get happy, too!

Shirley

TEMPLE *in*

JUST AROUND THE CORNER

with

CHARLES FARRELL · JOAN DAVIS
AMANDA DUFF · BERT LAHR
BILL ROBINSON · Franklin Pangborn
Cora Witherspoon · Bennie Bartlett

Directed by Irving Cummings

Associate Producer David Hempstead. Screen play by Ethel Hill, J. P. McEvoy, Darrell Ware. From an original story by Paul Gerard Smith. Music and lyrics: "I Love to Walk in the Rain," "A Happy Little Ditty," "Brass Buttons and Epaulets" by Walter Bullock and Harold Spina. Dances staged by Nicholas Castle and Geneva Sawyer.

Darryl F. Zanuck in Charge of Production

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

Printed in U.S.A.

"Certain Age" Detroit Smash With $30,000

Detroit, Oct. 27.—"That Certain Age" with a stage show gave the Fox big $30,000.

The Michigan, with a dual attraction, "The Sisters" and "Broadway Musketeers," took $11,000. "Too Hot to Handle," in its second week at the United Artists, grossed $8,000. The Palms-State pulled $5,000 in the second week of "Dracula" and "Frankenstein."

Estimated takings for week ending Oct. 21.

"King Kong" (RKO)
"The Ghoul" (G. B.)
ADAMS—(1,700) (10c-40c), 7 days. Gross: $5,000. (Average, $5,000)
"That Certain Age" (Univ.)
FOX—(5,000) (15c-65c) 7 days. Stage: Al Bernie, Pauline Alpert, Vernon & Draper, Fortunello & Cirillino. Gross: $30,000. (Average, $20,000)
"The Sisters" (W. B.)
"Broadway Musketeers" (F. N.)
MICHIGAN—(4,000) (15c-65c) 7 days. Gross: $11,000. (Average, $10,000)
"Dracula" (Univ.)
"Frankenstein" (Univ.)
PALMS-STATE—(3,000) (15c-40c) 7 days, 2nd week. Gross: $5,000. (Average, $5,000)
"Too Hot to Handle" (M-G-M)
UNITED ARTISTS—(2,000) (15c-50c) 7 days, 2nd week. Gross: $8,000. (Average, $10,000)

Grosses Hit Slump In Oklahoma City

Oklahoma City, Oct. 27.—The town's grosses slipped for the week. "Four's A Crowd," at the Midwest, and a dual of "Always in Trouble" and "Smashing the Rackets" at the Liberty, barely went over the average. The rest of the bills were under par.

Estimated takings for the week ending Oct. 20:

"Straight, Place and Show" (20th-Fox)
CRITERION—(1,500) (25c-35c-40c) 4 days. Gross: $1,200. (Average, $5,200)
"Too Hot to Handle" (M-G-M)
CRITERION—(1,500) (25c-35c-40c) 3 days. Gross: $1,800. (Average, $5,200)
"Always in Trouble" (20th-Fox)
"Smashing the Rackets" (Radio)
LIBERTY—(1,200) (20c-25c) 4 days. Gross: $1,900. (Average, $1,800)
"Broadway Musketeers" (F.N.)
"Time Out for Murder" (20th-Fox)
LIBERTY—(1,200) (20c-25c) 3 days. Gross: $600. (Average, $700)
"Four's a Crowd" (W.B.)
MIDWEST—(1,500) (25c-35c-40c) 7 days. Gross: $4,600. (Average, $4,500)
"Prairie Moon" (Rep.)
"Talk of the Devil" (G.B.)
STATE—(1,100) (20c-25c) 7 days. Gross: $2,100. (Average, $2,500)
"Five of a Kind" (20th-Fox)
TOWER—(1,000) (25c-35c) 7 days. Gross: $2,000. (Average, $2,500)

Plan Des Moines Theatre

Des Moines, Oct. 27.—Elias Garbett and his son, operators of four theatres here, have purchased a two-story building facing the Drake University campus and are remodeling it for a 600-seat theatre.

L. K. Brin Buys Theatre

Seattle, Oct. 27.—L. K. Brin, former manager of the Grand National exchange here, has bought the Mission in Mount Vernon from Dennis Murphy. Brin expects to establish a suburban circuit.

Hollywood Previews

"Tarnished Angel"

(RKO)

Hollywood, Oct. 27.—RKO's "Tarnished Angel" is a picture for which carefully wrought exploitation campaigns are necessary. It is a story of a "clip joint" hostess who turns to evangelism as a racket, but is converted by the power of her own words.

Sally Eilers, as the "clip joint" hostess turned evangelist, gives a competent characterization, her best for some time. She is supported by Lee Bowman, Ann Miller, Alma Kruger, Paul Guilfoyle, Jonathan Hale, Jack Arnold, Cecil Kellaway, Janet Dempsey, Hamilton MacFadden and Byron Foulger.

Hounded by the law, Miss Eilers, with the aid of Miss Miller and Guilfoyle, becomes an evangelist, using as one of her foils to demonstrate her "healing power," a fake cripple. With Bowman seeking to marry her and risking exposure by the police, Miss Eilers joins in a plot to rob her benefactress, a wealthy woman who believes in her. The climax is reached when a real cripple answers her call from the pulpit, and is healed. Then she renounces her criminal acquaintances.

Leslie Goodwins directed from the screenplay by Jo Pagano. The original story and adaptation were by Saul Elkins. B. P. Fineman was associate producer, under supervision of Executive Producer Lee Marcus.

Running time, 61 minutes. "G."* VANCE KING

"Sunset Trail"

(Paramount-Harry Sherman)

Hollywood, Oct. 27.—The entertainment and commercial merit of the "Hopalong Cassidy" series has long been acknowledged. William Boyd, George Hayes and Russell Hayden make the Harry Sherman outdoor action adventure pictures desirable amusement. This time, with the aid of Charlotte Wynters, Jane Clayton, Robert Fiske, Anthony Nace, Kathryn Sheldon and Maurice Cass, they have turned out one of the best of the series to date.

Based on the Clarence E. Mulford "Bar 20 Days" stories, Norman Houston's screenplay is full of new twists, material which Lesley Selander not only directed skillfully, but which gave Boyd, appearing as a different "Cassidy," and the other players opportunity for comedy as well as thrill action.

To get the necessary evidence on killing, robbing, crooked gambler Fiske, Boyd turns up at Miss Wynter's dude ranch as a very tender tenderfoot, garbed in tweeds, wearing buttoned shoes and carrying a cane. While Hayes and Hayden are always handy to participate either in the melodrama, comedy or substantiating romance, Boyd, following a dramatic poker game with Fiske, gives the signal for the cleanup, accomplished to the tune of much riding, shooting and fighting.

Angles to be kept in mind in exploiting "Sunset Trail" are the quality of the whole series and the popularity of the leading trio and the novel manner in which this story has been treated. The picture features expertly photographed scenic backgrounds by Russell Harlan.

Running time, 85 minutes. "G."* G. McC.

"Cipher Bureau"

(Fine Arts—Grand National)

Hollywood, Oct. 27.—Exploitation ideas for Fine Arts' "Cipher Bureau," for Grand National release, can be taken from today's headlines of espionage activities. Based on the existence during the World War of the "cipher bureau" in Washington for the decoding of spy messages, the picture is a timely presentation of the inner workings of breaking down codes. No definite period is indicated by the story, and the uniforms of the United States service men are altered to prevent any establishment of a definite year.

Cast is composed of Leon Ames, Charlotte Wynters, Don Dillaway, Joan Woodbury, Tenen Holtz, Gustav von Seyffertitz, Walter Bonn, Si Wills, Peter Lynn, Jason Robards, Joe Romantini, Hooper Atchley, Tudor Williams, John Smart, Sidney Miller and Tommy Carr. Carrying on as associate producer and director was Charles Lamont. Arthur Hoerl wrote the screenplay from his and Monroe Shaff's original.

The plot centers completely about the activities of Ames, head of the "cipher bureau," in breaking down messages transmitted from the United States to an unnamed foreign country. The United States Navy plans are the goal aimed at by the spies, and it is Ames' job to capture them. This he does, with great personal conflict in allowing his brother, Dillaway, to be "broken" and dishonorably discharged from the Navy.

Running time, 70 minutes. "G."* VANCE KING

"G" Denotes general classification.

"Sisters" and "Age" Lead in Philadelphia

Philadelphia, Oct. 27.—"The Sisters" started strongly at the Boyd. It got nine days at the house to a take of $18,000. "You Can't Take It With You" registered $19,000 for its Stanley week. "That Certain Age" held up fairly well with $12,000 for its second week at the Fox.

Estimated takings for the week ending Oct. 22:

"Drums" (U.A.)
ALDINE—(1,300) (40c-55c-65c-75c) 6 days. Gross: $5,000. (Average, 7 days, $8,160)
"Sing You Sinners" (Para.)
ARCADIA—(600) (25c-40c-55c) 7 days. Gross: $2,300. (Average, $2,800)
"The Sisters" (W.B.)
BOYD—(2,400) (40c-55c-65c) 9 days. Gross: $18,000. (Average, 7 days, $14,000)
"Breaking the Ice" (RKO)
EARLE — (2,000) (25c-40c-55c) 6 days. Stage: Ted Lewis orch. and revue. Gross: $17,000. (Average, $14,000)
"That Certain Age" (Univ.)
FOX—(3,000) (40c-55c-65c-75c) 7 days, 2nd week. Gross: $12,000. (Average, $14,000)
"Garden of the Moon" (W.B.)
KARLTON—(1,000) (25c-40c-55c) 7 days. Gross: $2,800. (Average, $4,000)
"Room Service" (RKO)
KEITH'S—(2,000) (25c-40c-55c) 7 days. Gross: $3,200. (Average, $4,000)
"You Can't Take It With You" (Col.)
STANLEY—(3,700) (40c-55c-65c) 7 days. Gross: $19,000. (Average, $14,000)
"Touchdown Army" (Para.)
STANTON—(1,700) (25c-40c-55c) 7 days. Gross: $4,000. (Average, $7,000)

"Take It," "Age" Lead in Cleveland

Cleveland, Oct. 27.—"You Can't Take It With You" continued to hold the top spot here for the third consecutive week. After two knockout weeks at the Hippodrome, the picture moved to the Allen, where the $8,000 take doubled average.

"That Certain Age" at Warners' Hippodrome, was the hit of the new releases, with $13,500. "The Valley of the Giants" at the RKO Palace with Wayne Morris in person, pulled a strong $1,500 over $16,500.

Estimated takings for the week ending Oct. 21:

"You Can't Take It With You" (Col.)
ALLEN—(3,000) (30c-35c-42c) 7 days, 3rd week. Gross: $8,000. (Average, $4,000)
"That Certain Age" (Univ.)
WARNERS' HIPPODROME — (3,800) (30c-35c-42c) 7 days. Gross: $13,500. (Average, $12,000)
"Valley of the Giants" (W. B.)
RKO PALACE—(3,100) (30c-42c-55c) 7 days. Stage: Wayne Morris in person and vaudeville. Gross: $16,500. (Average, $15,000)
"The Arkansas Traveler" (Para.)
LOEW'S STATE—(3,500) (30c-35c-42c) 6 days. Gross: $5,400. (Average, 7 days, $15,000)
"Stablemates" (M-G-M)
LOEW'S STILLMAN—(1,900) (30c-35c-42c) 7 days, 2nd week. Gross: $5,000. (Average, $5,000)

Reopen Wakefield House

Boston, Oct. 27.—The Princess in Wakefield has reopened. Charles Hodgdon is operating the house as part of his circuit. Hodgdon is using an art film policy.

Col. Changes "Spy" Title

Columbia has changed the title of "Spy Ring" to "International Spy."

Variety Club

Detroit

Detroit, Oct. 27.—Gov. Frank Murphy of Michigan will be the guest of honor at the weekly luncheon next Monday.

David Rubinoff, an old friend of the Governor, also will be present and will play. Edmund C. Shields, regent of the University of Michigan, will be toastmaster.

Others expected are: Leo J. Nowicki, lieutenant governor; Leon D. Case, secretary of state; Theodore I. Fry, state treasurer; George T. Gundry, auditor general; Raymond W. Starr, attorney general; Harry Mead, chairman of the Detroit Democratic headquarters; Frank Isbey, general manager of the Michigan State Fair; Jacob Sumeracki, Wayne County treasurer; Harold E. Stoll, register of deeds; George Dinegeman, county drain commissioner; Casper Lingeman, county clerk; Duncan C. McCrea, prosecutor; Thomas C. Wilcox, sheriff; Dr. Albert E. Hughes and Dr. Ed J. Knoblock, county coroners, and Probate Judge Thomas C. Murphy.

The program will be broadcast over the *Detroit News* short wave station WHXWJ.

Philadelphia

Philadelphia, Oct. 27.—William J. Clark has been elected chief barker of the local Variety Club of Philadelphia.

Ted Schlanger has been selected first assistant chief barker; William H. Lee second assistant chief barker, and Al Davis, secretary. Earle W. Sweigert has been reappointed chairman of the membership committee for 1939, with Ben Fertel, retaining chairmanship of the house committee.

The newly elected board of directors is composed of Clark, Schlanger, Lee, Davis, Sweigert, and Lewen Pizor, David E. Weshner, William Wolff, Al Fischer, Leo Posel, David Supowitz, E. M. Orowitz, James P. Clark, Jack Beresin and Barker Ben Amsterdam.

Cleveland

Cleveland, Oct. 27.—Variety Club will hold a testimonial dinner Nov. 4 for "Davey" Davidson, who has resigned after 21 years with 20th Century-Fox and its predecessor company as a salesman here. He plans to go to the coast. Dinner committee includes M. B. Horowitz, Jack Shulman, Eddie Bergman and Sam Lichter.

Harry Roth, Paramount booker, will be inducted as head of Variety Post No. 313 at Legion headquarters tomorrow.

CEA Offers Plan to Solve Dual Problem

London, Oct. 27.—London and Home Countries Branch of the Cinematograph Exhibitors' Association has resolved to ask its negotiating committee to approach the circuits with a view to arriving at a solution of the problem of running two "A" features on one program.

The group will propose that certain films be classified and that no two films in that classification be shown on program.

Hollywood Preview

"Artists and Models Abroad"

(Paramount)

Hollywood, Oct. 27.—Girls, gags and Jack Benny are among showmanship values of "Artists and Models Abroad." Also there are Joan Bennett, Mary Boland, Charley Grapewin, the Yacht Club Boys, Fritz Feld, George P. Huntley, Joyce Compton and about a dozen others of name value importance. There's a comedy romance story with Benny, as he customarily is in his radio program, the butt of his own jokes. Music is important. The three numbers composed by Ralph Rainger and Leo Robins, plus a topical specialty concoction by the Yacht Club Boys and Jock Rock, give the show plenty of harmonic content. Producer Arthur Hornblow, Jr., did not stint in giving the film lavish and picturesque production value, the spectacular highlight of this element being a fashion parade in which feminine pulchritude and feminine styles are lavishly displayed.

The locale is Paris, where Benny is the busy shepherd of a flock of out-of-work chorus girls. Not knowing or permitted to know that Miss Bennett is the fourth richest girl in the world, he adds her to his flock. As everyone who heard his radio programs last spring knows, he falls in love with her. Joyce Compton and her gang add to the merriment and eventually become models in a fashion display. Benny adds to his own discomfort and intensifies the fun by treating Miss Bennett's millionaire father, Grapewin, as a doddering panhandler. Intent only on getting his flock and Miss Bennett free transportation to America, he, through a bit of egotistical stupidity, saves Grapewin several millions in an oil deal. The realization of who Miss Bennett and Grapewin are hits the hero like a blackjack. Upon recovering from the girl's proposal of marriage, he visions great conquests for himself and his beauties in the oil business.

The writers, Howard Lindsay, Russell Crouse and Ken Englund, brewed a lot of fun into their story and in his direction Mitchell Leisen was careful to permit the dominance of comedy.

It may be anticipated that "Artists and Models Abroad" will prove a desirable attraction in a great many theatres. There is no lack of potential showmanship to whip up enthusiasm any place. Where the customers have a liking for a melange of comedy, music and beauty and Jack Benny, there are strong possibilities the picture will be a box-office bell-ringer.

Running time, 90 minutes. "G."* G. McG.

New York Preview

"The Story of a Cheat"

(Gallic Films, Inc.)

Sacha Guitry has contrived an intriguing and fascinating exercise of the technique of the screen in his "Story of a Cheat," in French. It fairly ripples with ingenuity and originality, making such use of the medium as has rarely been achieved. The resulting whole is captivating and entertaining, although, with an occasional dart of reference to "uncoded" screen material, it is likely enough to meet with disfavor in certain quarters.

Guitry wrote and directed it, and plays the incorrigible and delightful cheat for all it is worth, and that is a good deal. His technique of the "different" makes its appearance at the outset, with Guitry introducing—in pictures—his technical staff, the composer of the provocative music, Adolphe Borchard; the cameraman, Marcel Lucien, and the others.

Guitry sits at a table outside a Paris cafe, and as he scribbles his memoirs in a notebook, he tells his own story, while the screen—and he—reenact it. The lines are enjoyable, the wit keen. John Erskine, professor and novelist, has written the subtitle translations skillfully. Guitry is superb, as he describes and delineates the evolution of a cheat, who turns honest and really can't make up his mind which is the preferable state.

Running time, 75 minutes. "A."* Charles S. Aaronson

"A" Designates adult audience classification.
"G" Designates general audience classification.

Acquires Chatham House

Boston, Oct. 27.—Mary B. Winslow has purchased the Monomoy in Chatham from Harold Dunbar. She will operate the house as a summer situation. The theatre is to be remodeled.

Form White Plains Firm

Albany, Oct. 27.—White Plains Promotions, Inc., has been chartered to conduct a picture business with Lou Magnolia and Lottie Barr of White Plains and Rodney McMahon of Rockaway Beach listed as directors.

"Stablemates" In Good Start On the Coast

Los Angeles, Oct. 27.—"Stablemates," on a double bill with "Vacation from Love," turned in a n[illegible] $14,690 at Loew's State, but failed to make much of an impression at the Chinese.

Holdovers fared well. "You Can't Take It With You" held up to $8,900 in its fourth week at the Pantages, and turned in $9,200, also in a fourth week, at the Hillstreet. "Drums" pulled $4,809 in the third week at the 900-seat 4-Star.

Estimated takings for the week ending Oct. 26:

"Stablemates" (M-G-M)
"Vacation from Love" (M-G-M)
CHINESE—(2,500) (30c-75c) 7 days. Gross: $11,699. (Average, $12,500)

"Drums" (U.A.)
4 STAR—(900) (40c-55c) 7 days, 3rd week. Gross: $4,809. (Average, $3,250)

"You Can't Take It With You" (Col.)
HILLSTREET—(2,700) (30c-65c) 7 days, 4th week. Gross: $9,200. (Average, $6,500)

"Stablemates" (M-G-M)
"Vacation from Love" (M-G-M)
LOEW'S STATE—(2,500) (30c-75c) 7 days. Gross: $14,690. (Average, $14,000)

"You Can't Take It with You" (Col.)
PANTAGES—(3,000) (30c-65c) 7 days, 4th week. Gross: $8,900. (Average, $7,000)

"The Arkansas Traveler" (Para.)
PARAMOUNT—(3,595) (30c-65c) 7 days. Stage: F. & M. revue, Rube Wolf and his orchestra. Gross: $16,000. (Average, $18,000)

"The Sisters" (W.B.)
"The Road to Reno" (Univ.)
WARNER BROS. (Hollywood)—(3,000) (30c-65c) 7 days, 2nd week. Gross: $13,250. (Average, $14,000)

"The Sisters" (W.B.)
"Road to Reno" (Univ.)
WARNER BROS. (Downtown)—(3,400) (30c-65c) 7 days, 2nd week. Gross: $12,500. (Average, $12,000)

"From City" Dual $4,700 at Seattle

Seattle, Oct. 27.—"I'm From the City," on a dual with "The Night Hawk," and with "The Great Lester" on the stage, proved the only combination among the new attractions to get into the profit division. The gross at the Palomar was $4,700.

Three holdovers turned in good grosses. "Boys Town" took $4,200 in its third week at the Blue Mouse, "You Can't Take It With You" was strong at $8,600 in its third week at the Liberty.

Estimated takings for the week ending Oct. 22:

"Boys Town" (M-G-M)
BLUE MOUSE—(950) (30c-40c-55c) 7 days, 3rd week, extended run from Fifth Avenue. Gross: $4,200. (Average, $4,000)

"Four Daughters" (F. N.)
"Freshman Year" (Univ.)
FIFTH AVENUE—(2,500) (30c-40c-55c) 7 days. Gross: $6,600. (Average, $7,000)

"You Can't Take It With You" (Col.)
LIBERTY—(1,800) (20c-30c-40c-55c) 7 days, 3rd week. Gross: $8,600. (Average, $5,000)

"Too Hot to Handle" (M-G-M)
MUSIC BOX—(950) (30c-40c-55c) 7 days, 2nd week, extended run from Fifth Avenue. Gross: $4,350. (Average, $4,000)

"Five of a Kind" (20th-Fox)
"Mysterious Mr. Moto" (20th-Fox)
ORPHEUM—(2,450) (30c-40c) 7 days. Gross: $5,200. (Average, $6,000)

"I'm From the City" (RKO)
"The Night Hawk" (Republic)
PALOMAR—(1,500) (15c-25c-35c) 7 days. Stage: "The Great Lester." Gross: $4,700. (Average, $4,500)

"Room Service" (RKO)
"Time Out for Murder" (20th-Fox)
PARAMOUNT—(3,050) (30c-40c) 7 days. Gross: $5,650. (Average, $6,000)

FCC Assigns Examiners on Station Pleas

WASHINGTON, Oct. 27.—The Federal Communications Commission has assigned to examiners for hearings the applications of WJMS, Inc., for a new 1,310-kilocycle station at Ashland, Wis., with 100 watts night, 250 watts day; Larry Rhine, for a 1,420-kilocycle, 100-watt station at San Francisco; WGTM, Wilson, N. C., for change of frequency from 1,310 to 1,204 kilocycles and increase of power from 100 to 500 watts, and KECA, Los Angeles, for authority to move to San Diego and transfer license from Earle C. Anthony, Inc., to Worcester Broadcasting Corp.

Examiners' reports have been submitted recommending the granting of the applications of KTKC, Visalia, Cal., for change of frequency from 1,190 to 890 kilocycles, extension of time from day to unlimited and increase of power from 250 to 1,000 watts, and WEMP, Milwaukee, for increase of power from 100 to 250 watts.

Applications of the *Asheville Daily News* for a 1,370-kilocycle, 100-watt station at Asheville, N. C., and WMFD, Wilmington, N. C., for extension of time from day to unlimited with 100 watts night, 250 watts day, were today tentatively set for hearing before an examiner Nov. 17.

On Dec. 12, the application ,of KAND, Corsicana. Tex., for increase of power from 100 to 250 watts, will be heard, and on Dec. 19 a hearing will be held on the application of KFJZ, Fort Worth, for change of frequency from 1,370 to 930 kilocycles and increase of power from 100 watts night, 250 watts day, to 500 watts.

Kellogg on 54 Stations

Fifty-four stations of the Red network have been secured by J. Walter Thompson for a new radio series for the Kellogg Co. The series is scheduled to begin Jan. 15, 1939, Sundays from 10 to 11 P.M. The program itself has not been selected as yet.

Spitalny Orchestra Back

Phil Spitalny's all-girl orchestra is back from a theatre tour, and, beginning Oct. 31 the unit will take up its broadcasting stand in Radio City for the General Electric Co.

Swing Champions

The swingsters are not the type to take it on the chin without retaliating. Just the other day the Bach Society of Newark demanded of Frank R. McNinch that the F.C.C. suspend licenses of radio stations allowing swinging of old classics and revocation of licenses for second offenders.

Accordingly, the swing leaders, headed by Paul Whiteman, Gene Krupa and Benny Goodman have formed the "Non-Partisan Committee to Suppress Musical Bigotry."

Radio Personals

GERALDINE FARRAR, opera and concert star, will be guest speaker on "Women Make the News," over WOR next Tuesday . . . Sheila Barrett, mimic, will be featured on Benay Venuta's variety show on Mutual Sunday, with Allen Prescott another guest . . . Kirsten Flagstad, Metropolitan soprano, will be guest on the Ford "Sunday Evening Hour" Nov. 6 . . . Franchot Tone and Rita Johnson will star in a "Silver Theatre" play on CBS Nov. 6 . . . Emil Ludwig will be heard on a nationwide CBS next Sundav in a talk from Paris, 1:30 to 1:45 P. M.

✚

Radio Rubes will celebrate their 850th consecutive broadcast next Tuesday . . . Raymond Massey will be heard in a scene from "Abe Lincoln in Illinois" on the RCA "Magic Key" program Nov. 6 . . . James W. Bray, control engineer of KARK, Little Rock, was married recently to Calista Balfour.

NBC Will Broadcast 18 Capital Concerts

NBC will present 18 broadcasts from the 1938-'39 Library of Congress Chamber Music series from Washington, the first to be heard Sunday at 8:30 P. M. Twelve of the programs, all over the NBC-Blue, will be under the auspices of the Coolidge Foundation, the other six by the Gertrude Clarke Whitall Foundation.

The second program in the series will be heard Dec. 10. Dates of the other programs will be set later. In addition, 16 Thursday programs of the two foundations will be broadcast from WMAL, Blue network outlet in Washington.

Evans to Chicago

Lawrence Evans of Evans & Salter will leave for Chicago Tuesday to cover the opening of the Chicago Civic Opera where Lawrence Tibbett and Helen Jepson are singing the star roles. Also appearing will be Maria Reining, lyric soprano from Europe, who has been brought here by the firm.

Renew WTCN License

WASHINGTON, Oct. 27.—The F.C.C. has voted unanimously to renew the license of WTCN, Minneapolis. WTCN was one of the stations which, as part of the NBC-Blue network, had broadcast Eugene O'Neill's "Beyond the Horizon," which, some listeners complained, was obscene.

Bell-Ans Adds WOR Time

Bell-Ans commemorate the completion of their first year over WOR with Tex Fletcher, 8:15 to 8:20 A. M., Tuesdays, Thursdays and Saturdays by adding a 15-minute spot at noon on Tuesdays.

Belcher Show Returns

Jerry Belcher's program, "Interesting Neighbors," will be resumed Nov. 3 over the NBC-Blue at 8 P. M., and continue on successive Thursdays. The program has been off the air since August.

Deny Applications

Washington, Oct. 27.—An examiner for the Federal Communications Commission has recommended dismissal of the application of W. A. (Al) Steffes for a 1,310-kilocycle, 250-watt daytime station at Minneapolis.

Likewise recommended for denial was an application of KLS (Warners), Oakland, Cal., for an increase of power from 250 to 500 watts.

NBC to Add 160th Station on Nov. 1

NBC will add the 160th station to its network on Nov. 1, with the addition of WAPO, Chattanooga, as a supplementary outlet available to Southcentral Group No. 3 and Southern Group No. 5.

The Tennessee station operates on full time, with 1,420 kilocycles, 250 watts day and 100 watts night. It is owned by W. P. Patterson.

Melcher Joins A O of A

Martin Melcher, formerly with Mills Artists in New York and Hollywood, has joined the radio department of Associated Orchestras of America.

KYA Studio to Close

SAN FRANCISCO, Oct. 27.—KYA's Oakland studios will close permanently Nov. 1.

Around the Country

Pittsburgh

It's a boy for Harry Walton, Dick Stabile's pianist, and Mrs. Walton, the former Gay Sargan. . . . Bill Schroeder, WCAE salesman, is taking flying lessons. . . . Les Lindow has been named national sales manager at WCAE. . . . Billy Yates' band has been handed a regular spot on KQV. . . . Tony Lombardo, Art Yagello and Frank Natale have organized the Cosmopolitan Trio. . . . Bob Carter is doubling as vocalist with Fran Eichler's band at the Nixon Cafe on KDKA and Earl Truxell's staff orchestra at WCAE. . . . Script show called "Adam and Eve," with Jack and Margaret Orriston, has faded from KDKA.

Symphony to Broadcast

INDIANAPOLIS, Oct. 27.—The Indianapolis Symphony Orchestra will make 16 special Wednesday afternoon broadcasts over CBS, beginning Nov. 23, originating at WFBM here.

Lloyd on WNEW Sales

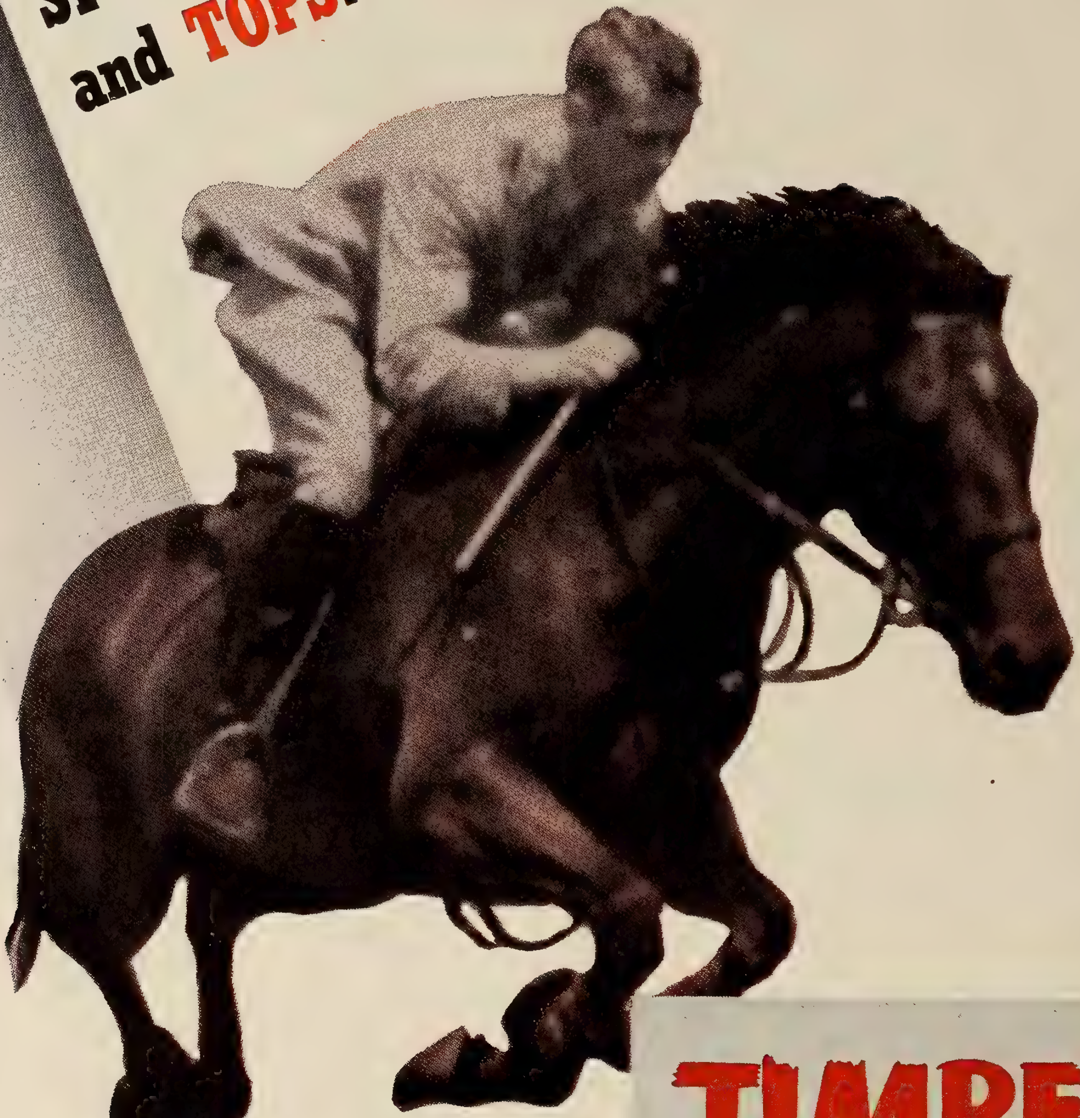
Gordon Lloyd, formerly with WINS, has joined the sales departmen of WNEW. Before coming into radio he was with the *New York Journal.*

HAVING A WONDERFUL TIME!

The picture, gentlemen, exaggerates—a little. But we're ALMOST as hilarious. What with 960,000 letters received from listeners so far this year compared with 895,000 for the first ten months of 1937. And just when we thought we were getting life straightened out for the Fall, General Mills, with a six-time-a-week show already on WOR, adds John Gambling's Gym Class for three days a week. Two other sponsors, incidentally, have TRIPLED their time on WOR. Hate to be so gay about it all, but you know how it is.

WOR

FIRST of ED THORGERSEN'S SPORTS REVIEWS and TOPS!



TIMBER TOPPERS

Typical of 20th's fresh, stimulating approach in its short subjects program. One of the most thrillingly unusual and appealing one-reel subjects ever produced. Ask for a screening!

Described by Ed Thorgersen
Produced by Truman Talley

20th CENTURY FOX
THE KEYSTONE OF YOUR FUTURE

Alert.
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

V. 44. NO. 85 NEW YORK, MONDAY, OCTOBER 31, 1938 TEN CENTS

Trade Parley Report to Be MPTO Topic

Concessions Expected on Many of 10 Points

OKLAHOMA CITY, Oct. 30.—Delegates to the M. P. T. O. A. convention are to hear reports on progress made in the New York trade practice parleys. It is expected to be one of the liveliest topics to come before the convention.

Final negotiations between M. P. T. O. A. representatives and the distributors' negotiating committee will be held in New York next week. Conciliation boards will cover a number of the 10 points for which the organization has been negotiating for several years.

Three additional agreements are expected to materialize also. These are a 10, 15 and 20 per cent cancellation based on average film rentals,

(*Continued on page 9*)

Manchurian Film Monopoly Figures In Note to Japan

WASHINGTON, Oct. 30.—Settlement of the controversy between American film companies and Manchurian authorities resulting from the establishment of a picture monopoly in Manchuria by Japanese enterprise is one of the aims of the State Department in the strong note sent to Japan, Oct. 6, calling for maintenance of the "open door" policy in China.

In that note, which has neither been published in Japan nor replied to by the Japanese Government and which was made known here only yesterday, the Washington Government called

(*Continued on page 9*)

"Rapture" Ends 3rd Stanza With $7,100

"Dark Rapture" ended a three-week run at the Globe on Friday with $7,100 for the third week. "Five of a Kind," with the Dionne Quintuplets, started Saturday.

"Frankenstein" and "Dracula," which ran for two weeks at the Rialto, will be followed today by "Man With 100 Faces," another mystery thriller. "The Citadel" is due at the Capitol after "Stablemates." "The Storm" opened at the Rivoli on Saturday. "Brother Rat" is next at the Strand.

'Taint Fair

Waukon, Ia., Oct. 30.—P. D. Cota and Mrs. Cota, operators of the Cota here, have solved the annual Hallowe'en problem for the city by booking a picture especially adapted for children and allowing their son, Eaton, to invite all children under 13 in the community to attend the 6:30 P. M. show, with one condition—each child entering must sign a pledge not to destroy property or soap windows during the Hallowe'en period.

Radio Meets Wage Terms, NAB Reports

WASHINGTON, Oct. 30.—The radio industry, according to the National Association of Broadcasters, in a majority of instances is meeting the minimum wages set by the Wages and Hour law. However, a large number of radio employes will have their weekly work schedules reduced under the new act.

In a statement to broadcasters, the N.A.B. advises its members that because of the penalties provided by the act, it cannot assume responsibility by advising what employes are covered. "However," the N.A.B. states,

(*Continued on page 16*)

Report Chance Games Again Being Probed

Authorities are reported eyeing theatre chance games in the metropolitan area and the police have warned some exhibitors in Brooklyn, it is understood.

Complaints are reported to have reached the authorities from patrons. Some exhibitors are not apparently abiding by the law.

UA-20th-FOX UNITE IN SOUTH AFRICA

Will Distribute Jointly Around First of Year Under New Plan

United Artists and 20th Century-Fox are joining hands to open up in South Africa. Twentieth Century-Fox already operates an exchange in Johannesburg. United Artists, under arrangements which are under way, also will distribute in that territory in association with 20th Century-Fox.

On Saturday, Arthur W. Kelly, who is in charge of foreign sales for United Artists, sailed for South Africa to complete the deal.

Some of the U.A. product which already may be sold away, of course will not be included under the new arrangement. The deal, however, will take in all other U.A. films.

It is understood that this U.A.-20th Century deal would become effective around the first of the year.

Dominant interests in South Africa are the South African (Consolidated) Theatres, owned and controlled by the I. W. and M. A. Schlesinger interests.

Otto Bolle is in charge of the 20th Century-Fox exchange and distribution in that territory.

Twentieth Century-Fox for some time has been dissatisfied with its returns on product from South Africa, and, after months of investigation, decided to open its own exchange there. The exchange has been in operation a few months.

Film Leaders At Pittsburgh Variety Party

PITTSBURGH, Oct. 30.—Meeting under the Big Top for the 10th consecutive year, more than 500 guests attended the Variety Club's annual banquet here tonight at the William Penn Hotel. The feature of the affair was the adoption by the club of another orphan, George Variety Barker, II, 17-month-old youngster from the Roselia Foundling Home, and the fourth child Tent No. 1 has adopted in the 12 years since it was founded. The other three have been taken by private families.

The affair, as in the past, honored the outgoing chief barker, in this case John J. McGreevey. He was succeeded by Ira Cohn.

The ballroom was covered by a circus tent and the hall was jammed to capacity, the affair having been a

(*Continued on page 9*)

S.M.P.E. Meeting Will Open Today

DETROIT, Oct. 30.—Annual fall convention of the Society of Motion Picture Engineers will get under way at the Hotel Statler here tomorrow, with 350 film engineers and technicians in attendance from all parts of the country.

The three-day meeting will hear a program of approximately 30 technical papers on studio and theatre practice. Several papers on television are scheduled by engineers of

(*Continued on page 9*)

Film Men Told to Talk with Unions On Wage-Hour Law

WASHINGTON, Oct. 30.—Refusing to attempt any classification of more than 600 types of work on which motion picture producers are doubtful, officials of the Wage-Hour Administration on Friday told a delegation from the Hays office to go home and attempt to settle the matter with the unions.

After clearing away as much of the problem as possible, it was suggested, producers and union representatives might return to Washington to lay their differences of opinion before the Administration, but even then, it was warned, there is doubt whether the Administration would have the power to make rulings.

In other words, the group was told by Administrator Elmer F. Andrews,

(*Continued on page 2*)

MOTION PICTURE DAILY presents in this issue a section dedicated to the inauguration by National Broadcasting Co. of its new Radio City Studios in Hollywood. Motion Picture Daily takes this occasion of the opening of the new studios to extend felicitations.

◂ Purely Personal ▸

NEIL F. AGNEW, Paramount general sales manager, returned to New York from the coast over the week end Barney Balaban, Stanton Griffis, Russell Holman and Robert Gilham are remainng at the studio for another week of production conferences.

•

Kenneth Thomson, executive secretary of the Screen Actors' Guild, is expected in New York this week from Hollywood for confabs with Mrs. Florence Marston, eastern head of the guild.

•

Hugh Herbert will make a personal appearance at the Strand beginning Friday. Later he will go to Philadelphia and Pittsburgh, thereafter returning to the coast for a new Warner film.

•

Anna Neagle and Herbert Wilcox, star and producer, respectively, of "Sixty Glorious Years," will sail from England Nov. 5 on the *Normandie* to attend American openings of the film.

•

Nicholas M. Schenck, president of Loew's, left for the coast Friday night after having been examined two days by Emil K. Ellis, counsel in the consolidated action of Loew minority stockholders.

•

Tom Connors, M-G-M division manager, plans a trip to Canada this week. He returns from the Variety Club doings in Pittsburgh today.

•

Gene Murphy of Loew's publicity has returned from Providence where he arranged the personal appearance of Freddie Bartholomew.

•

E. J. Smith, general sales manager of Imperial Pictures, left Friday for a three-week tour of Imperial exchanges.

•

Haskell Masters, United Artists Canadian sales chief, returned to Toronto yesterday after a week at the home office.

•

Maurice Fleischman, former New York exhibitor and I.T.O.A. board chairman, is building a hotel in Miami.

•

S. Charles Einfeld, Warner advertising and publicity director, will leave the coast tomorrow for New York.

•

Leon Fromkess, Monogram treasurer, has returned to the city after a two-week visit on the coast.

•

S. Barret McCormick, RKO advertising and publicity chief, is remaining on the coast another 10 days.

•

Capt. Frank Goodale, manager of the State, White Plains, has completed 23 years of service with Loew's.

•

King Vidor, who directed "The Citadel" in London, is due to return on the *Nieuw Amsterdam* Nov. 4.

•

George Dembow of National Screen has returned from Minneapolis.

Insiders' Outlook

RECENT reorganization of operations in United Artists, under Maurice Silverstone, were executed with a view to seniority of the individuals involved. And, insofar as known, that seniority rule will continue in effect at that company, at all times, when such moves are made. The elimination of unnecessary overhead and the desire to simplify company operations motivated the changes which were made. Its complex producer system where some of its film makers have distinct cells within the larger U. A. organization has caused an unusual amount of duplicated effort to develop. Apparently the purpose of the changes has been to eradicate this costly duplication.

▼ ▼

"Young Dr. Kildare" is the first M-G-M picture to play the Music Hall because of a succession of holdovers at the Capitol which left Metro with three pictures waiting to be played. "Dr. Kildare" was one. The Music Hall, through an unexpected cancellation of one booking and inability to obtain a print of "The Young in Heart," was in urgent need of a substitute picture.

▼ ▼

Lasting good to the industry has resulted from Motion Pictures' Greatest Year, Spyros Skouras declares, through the improvements it has brought about about in both business and the industry's public relations.

"Besides converting unfavorable public reaction to the present sympathetic appreciation of the industry's great public function," Skouras says, "the campaign has revived in the majority of exhibitors for some time to come the spark of ingenuity and showmanship that has so long been dormant. If for no other reason than this, every dollar expended in the campaign is justified, and from personal contacts and correspondence with executives in production, distribution and exhibition, and with the division, district and theatre managers of our circuit and other circuits, I found this to be substantially the opinion of the majority."

▼ ▼

George J. Schaefer is not going to Hollywood, as there is nothing requiring his presence at the RKO studio at this time. He attended the annual Variety Club banquet in Pittsburgh over the weekend and went on from there to the M. P. T. O. A. convention in Oklahoma City. He will return to New York from there.

▼ ▼

There has been talk about Russell Birdwell resigning from Selznick International. Birdwell handles the outfit's public relations. He also acts for Myron Selznick. John Flinn of Variety has been mentioned as his successor. Nobody has been able to indicate how the story got around. Birdwell, it is understood, has been wanting to open an advertising agency of his own. He may be working on that idea. He is under contract to S. I. until March, next year. Flinn has had talks with David Selznick. J. H. (Jock) Whitney knows nothing about the whole matter and without Whitney's okay such a change could be hardly effected. Birdwell has been asked about it, but failed to reply. Apparently, if he resigned, he is not telling.

▼ ▼

Advices from the Coast are that Walter Wanger wants Ben Washer to go to California.

Pathe to Make Four In England for Mono.

Hollywood, Oct. 30.—Scott R. Dunlap, Monogram production head, and Ralph Bettinson, Pathe, Ltd., representative at the Monogram studio, left for New York by train on Saturday to discuss plans for the production of four quota pictures for the company in England. The productions will be made at Pathe's British studio, with scripts, casts and directors sent from here.

Brown Leaves Cinecolor

Hollywood, Oct. 30.—Howard C. Brown, vice-president of Cinecolor, Inc., has resigned and will take a vacation. Brown had been in charge of sales. Recently J. Henry Kruse took over the sales end for the laboratory.

British Institute Praises U. S. Films

London, Oct. 30.—American films spectacular reconstruction of the past was hailed today in the annual report of the British Film Institute. Examples of that type of film cited were "The Texans," "Wells Fargo," "The Buccaneer." The institute also noted the manner in which important sociological problems were treated, as in "Zola," "Dead End" and "Penitentiary."

British films were praised for their increasing concentration on British life, such as "Owd Bob," "The Edge of the World" and "Bank Holiday." The institute reported that 690 films are now preserved in the National Film Library, and records that 1,490 British schools are equipped with projectors.

Film Men Told to Talk with Unions On Wage-Hour Law

(*Continued from page* 1)

Deputy Administrator Paul Sifton and General Counsel Calvert MacGruder, the law is "flat" in its requirements and it is up to the courts to de[illegible] all questions of classification.

The problem of producers was laid before the wage-hour group by Ross R. Hastings, who acted as major spokesman; Victor H. Clarke, Pat Casey, Maurice B. Benjamin, William S. Holman, T. Keith Glennan and Austin Keough.

The jobs which they were anxious to classify, they said, were those in which men of exceptional skill were employed, who had the authority to hire and fire, such as gaffers, mixers, etc., and the question is whether their duties are such as to classify them as administrative positions exempt from the wage-hour provisions. It was pointed out that men in these jobs are paid high wages, and that overtime pay would be a serious burden.

Status of film theatres under the labor standards bill is understood to have been brought before the Wage-Hour Administration by exhibitors, but without receiving any definite advice.

Wage-hour officials are said to feel that independent houses are local service establishments not subject to the measure but that there may be factors which do not give the same status to circuit houses.

No decision has been made on the question of theatres, but it is understood the argument has been advanced that even if the operating companies are engaged in interstate commerce, the employes of the individual houses are not. The wage-hour division is represented as not anxious to control ushers and other theatre employes who are really employed only in local operations.

Pact to Gloria Dickson

Hollywood, Oct. 30.—Warners have extended the contract of Gloria Dickson.

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: Motion Picture Herald, Better Theatres, Teatro al Dia, International Motion Picture Almanac and Fame.

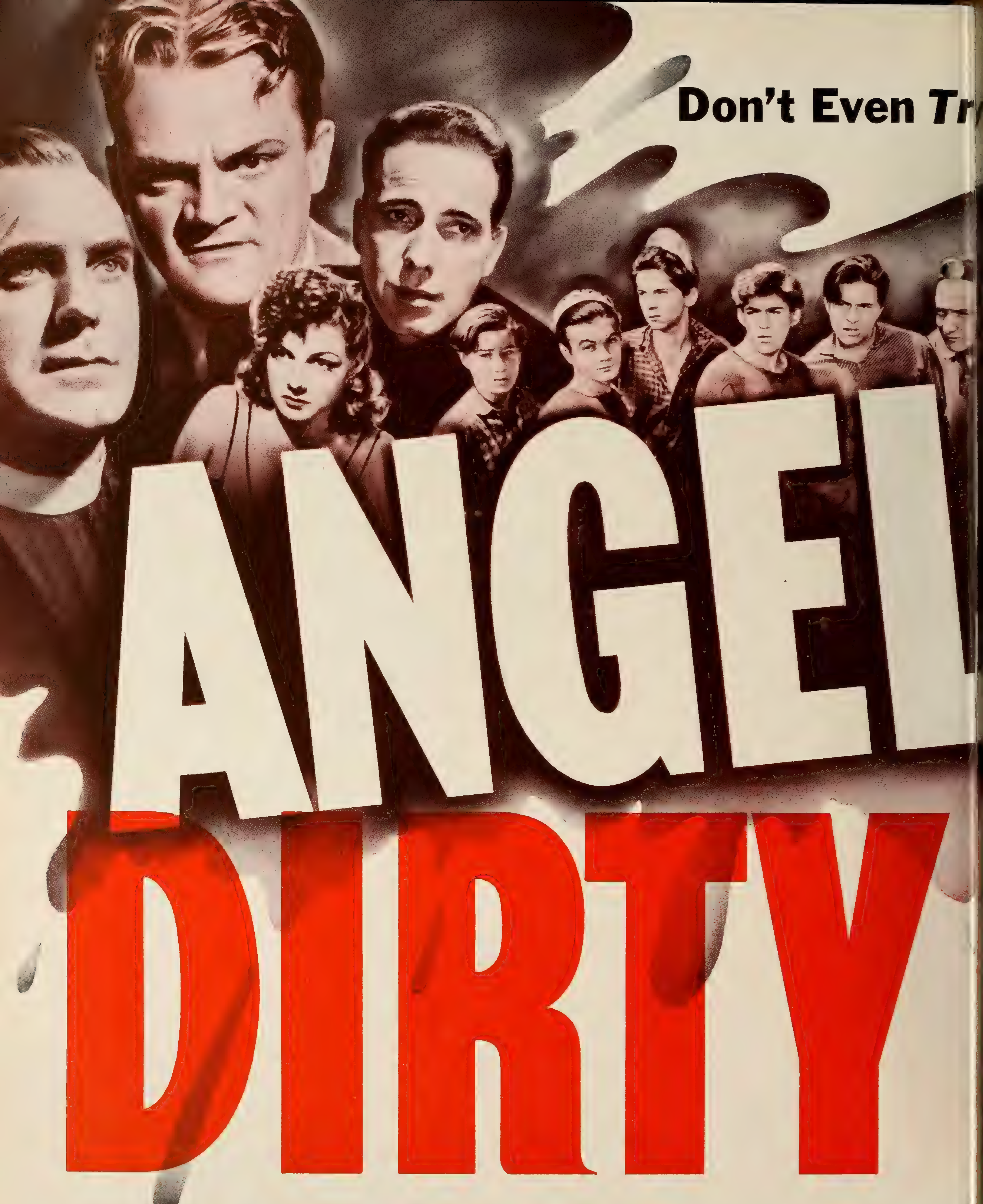
BUREAUS:—*Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager, *London:* 4 Golden Square, W. 1: cable address. Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

IT'S THE GREATEST SCREEN WALLOP THE WORLD HAS EVER KNOWN!...

Don't Even Tr



ANGEL

DIRTY

Made Still Stronger Becaus

Releas

o Compare It—There *Never*

Was A Motion Picture to

Approach the Dramatic Impact of

SWITH

FACES

Warners

t for Thanksgiving Week!

"There, but for the grace of God, walk I"

THIS SCENE ALONE WILL MAKE YOU WISH YOU COULD DOUBLE YOUR SEATING CAPACITY!

They made it a record-breaker!

CAGNEY
O'BRIEN
'DEAD END' KIDS
BOGART

ANN SHERIDAN · GEO. BANCROFT

Directed by Michael Curtiz

Screen Play by John Wexley and Warren Duff · From a Story by Rowland Brown · Music by Max Steiner · A First National Picture

WARNER BROS. made it possible!

Allied Calls Chicago Meet On Practices

Trade practice negotiations between the distributors and Allied States will continue in Chicago next Thursday. While progress has been reported, after almost two weeks of discussions, additional conferences have been found necessary with the Allied committee.

Chicago was selected for the negotiations because the Allied national board is scheduled to meet there Thursday on special call from Abram F. Myers, board chairman.

Allied's negotiating committee, headed by Col. H. A. Cole of Texas, will report to the full board on the status of the negotiations. The directors will then decide what Allied's course shall be.

Members of Allied's committee are also directors. In addition to Cole they are Nathan Yamins, president; W. A. Steffes, Sidney Samuelson, Ray Branch, M. A. Rosenberg and Myers, who acts as counsel. All left New York over the weekend.

William F. Rodgers of M-G-M, who has been conducting the Allied negotiations with Gradwell L. Sears of Warners and Abe Montague of Columbia, attended the Variety Club dinner in Pittsburgh last night. He is scheduled to speak on trade practices at the M.P.T.O.A. convention under way in Oklahoma City and will arrive in Chicago on Wednesday.

Sears and Montague also plan to attend the Chicago conferences.

Further procedure in the negotiations with the exhibitor groups, which include also M.P.T.O.A. and seven unaffiliated regional organizations, is indefinite at present. It is planned, however, to hold final conferences in New York, probably next week.

Most of the unaffiliated representatives have left the city. Leaving over the weekend were Albert A. Galston, president; R. H. Poole, general manager and secretary, and Hugh W. Bruen, representing the I.T.O. of Southern California and Arizona, and D. K. Edwards and John Rugar, representing Intermountain Theatres Association of Salt Lake City.

Phila. Group Moves To Form Allied Unit

PHILADELPHIA, Oct. 30.—Eighty exhibitors meeting Friday at the Broadwood Hotel took steps toward formation of an Allied unit in this territory.

Morris Wax, in the chair for the meeting, appointed a committee on organization including himself, Dave Shapiro, Dave Milgrim, Luke Gring, Lew Rovner, Harry Fried, Milton Rogasner, Columbus Stamper, Ben Fertel, Charles Stiefel, Harry Bergner, Mike Lessy, Ray Schwartz, Norman Lewis and Dave Barrist.

Besides Sidney Samuelson, Col. H. A. Cole of Texas Allied spoke on the principles of his organization.

Tetley Signed by RKO

Walter Tetley, juvenile radio actor, has been signed by RKO Pictures to a seven-year contract. Tetley has just returned to New York after a stay in Hollywood.

Veteran Retires

Northwood, Ia., Oct. 30.—George W. Haight, one of the pioneers of the film business in this state, dating his operations from 1911, has sold the Northwood to Nathan Sandler of Des Moines and will retire.

Manchurian Film Monopoly Figures In Note to Japan

(*Continued from page* 1)

upon Tokyo to refrain from discriminating against American interests in China in favor of its own nationals. Specifically, Japan was asked to discontinue discriminatory exchange control which operates adversely to American trade; to discontinue any monopoly or preference which would deprive Americans of the right to undertake legitimate trade or industry in China, and to halt interference with American property and other rights.

American enterprise already has been practically excluded from the areas under Japanese control, the film and oil industries being two which the Japanese are most desirous of monopolizing.

Para. Boosting Ad Budget on 3 Films

Paramount will spend $20,000 additional in national newspaper cooperative advertising campaigns in connection with the release of each of three of the company's outstanding pictures, "If I Were King," "The Arkansas Traveler" and "Men With Wings."

It is also planned to conduct similar advertising campaigns on two forthcoming releases, "Thanks for the Memory" and "Say It in French."

S.M.P.E. Meeting Will Open Today

(*Continued from page* 1)

the RCA Manufacturing Co. and General Electric, and others will be devoted to the most recent developments in sound recording and reproduction, and studio lighting.

At the annual fall banquet, scheduled for Tuesday evening, presentation will be made of the S. M. P. E. Progress Medal and the Journal Award. The former is presented for the development of the year which is considered to have resulted in a significant advance in the development of screen technology. The Journal Award is for the most outstanding technical paper published in the society's journal.

The opening day's luncheon tomorrow will be featured by brief addresses by Richard W. Reading, Mayor of Detroit; Jamison Handy, president of Jam Handy Corp.; George W. Trendle, president of United Detroit Theatres, and Dr. C. F. Kettering, vice-president and director of research of General Motors.

Cohn Heads Columbia Parley on Continent

The forthcoming Columbia conferences in London on Columbia's Continental European distribution will be presided over by Jack Cohn, vice-president of the company. Cohn's presence at the sessions was made necessary by additional reports on conditions abroad from the European representatives of the company over the weekend. He will sail Friday on the *Queen Mary* with J. A. McConville, foreign manager, and Jack Segal, manager of foreign exchange operations They will be met in London by Joseph Friedman, European manager, and the company's Continental managers.

MPTOA Meet to Get Report On Trade Practice Parleys

(*Continued from page* 1)

with the highest percentage going to the lowest average rental; the elimination of the separate score charge and a clear statement of policy on the non-forcing of shorts with features.

A 10th proposal, the short form of contract, is expected to be made available on a basis which will be optional with the exhibitor.

Although a varied convention program has been prepared, there is no expectation that any subject livelier than the trade practice developments is likely to arise during the three-day meeting. The topic will come before the convention at the first business session Monday afternoon, in a talk on "Trade Relations in Distribution and Exhibition" by William F. Rodgers, M-G-M general sales manager, who is chairman of the distributors' trade practice negotiating committee. Indications are that references to the subject may be made even earlier in the first day's session, either by Ed Kuykendall, M. P. T. O. A. president, in his annual report, or by Leo Spitz, RKO special counsel, who is one of the alternate honorary chairmen of the distributors' negotiating committee.

Other discussions of trade practices may enter into later convention talks by George J. Schaefer, RKO president, and Edward Golden, vice-president of Monogram. Discussion of the subject from the floor is expected to be spirited throughout the three-day meeting.

The reelection of most of the present officers and executive committee members is anticipated at a meeting of the board of directors which will be held late today. These include Ed Kuykendall, president; Fred Wehrenberg, chairman; Morris Loewenstein, secretary; Walter Vincent, treasurer, and Ed G. Levy, general counsel.

M. P. T. O. A. directors are designated by the individual organizations which constitute the M. P. T. O. A. membership.

Film Leaders At Pittsburgh Variety Party

(*Continued from page* 1)

sellout almost two months ago. Most of the out-of-towners came in yesterday and watched the Pitt-Fordham game at the Stadium in a special Variety Club section.

Norman Frescott was the toastmaster and introduced as speakers U. S. Senators James J. Davis and Joseph Guffey; Harold G. Hoffman, former governor of New Jersey; George Herman (Babe) Ruth, Judge Arthur H. James, G. O. P. candidate for Governor of Pennsylvania; Marshall Goldberg, Pitt football star; Mayor Cornelius D. Scully, Dr. Jock Sutherland, Pitt gridiron coach; Jim Crowley, mentor of the Fordham Rams, and Rosey Rowswell.

Jay C. Flippen was master of ceremonies for the show, presenting in the two-hour entertainment Mary Jane Walsh, the Fantinos, Marjorie Gainsworth, the Weire Brothers, Clyde Hager, Jack Gray and his Debutantes. Bartell and Hearst, the 3 Sailors, Les Ghezzis, Freddie Bartholomew, Borrah Minnevitch's Rascals, Larry Steele and his Harlem Casino revue. the bands of Lawrence Welk, Tommy Tucker and Jerry Mayhall, Brian McDonald, Bernie Armstrong and Paul Gannon.

Many Come From Out of Town

Out-of-town showmen seated under the Big Top included Eddie Alperson, F. L. Andrews, Jack Beresin, Rudy Berger, Joseph Bernhard, Clayton Bond, Nate J. Blumberg, Bill Carlson, W. W. Carroll, Duke Clark, Bob Christenberry, Max Cohen, Lou Astor, Jack Cohn, Tom Connors, Sam Shain, Harvey Day, Ned E. Depinet, George Dembow, John Eberson, Jay Emanuel, John Flynn, Jack Flynn, J. E. Fontaine, Jack Alicoate, Sam Galanty, Bill Gehring, Harry Gold, Eddie Golden, A. Haas, John Hollinger, Rube Jackter, Red Kann, Ben Kalmenson, Jules Levy, Nat Levy, Harry Levine, Carl Leserman, A. E. Lichtman, Harry Michelson, Edgar Moss.

Bill McCaffrey, F. J. A. McCarthy, Joe McConville, Eddie McEvoy, J. J. O'Connor, Bob O'Donnell, J. J. Oulahan, Ted O'Shea, Eddie Peskay, William F. Rodgers, Lou Rome, Harry Ross, Eddie Saunders, Meyer Schine, Ted Schlanger, Leonard Schlesinger, I. Schmertz, Carl Schmidt, Bill Scully, Bob Smeltzer, Cresson E. Smith, Jack Skirball, Ed Schnitzer, Bill Sussman, Earle Sweigert, Major Leslie E. Thompson, Truman Talley, Joe Unger, Morton Van Praag, George Weeks, Lou Weinberg and Herbert J. Yates.

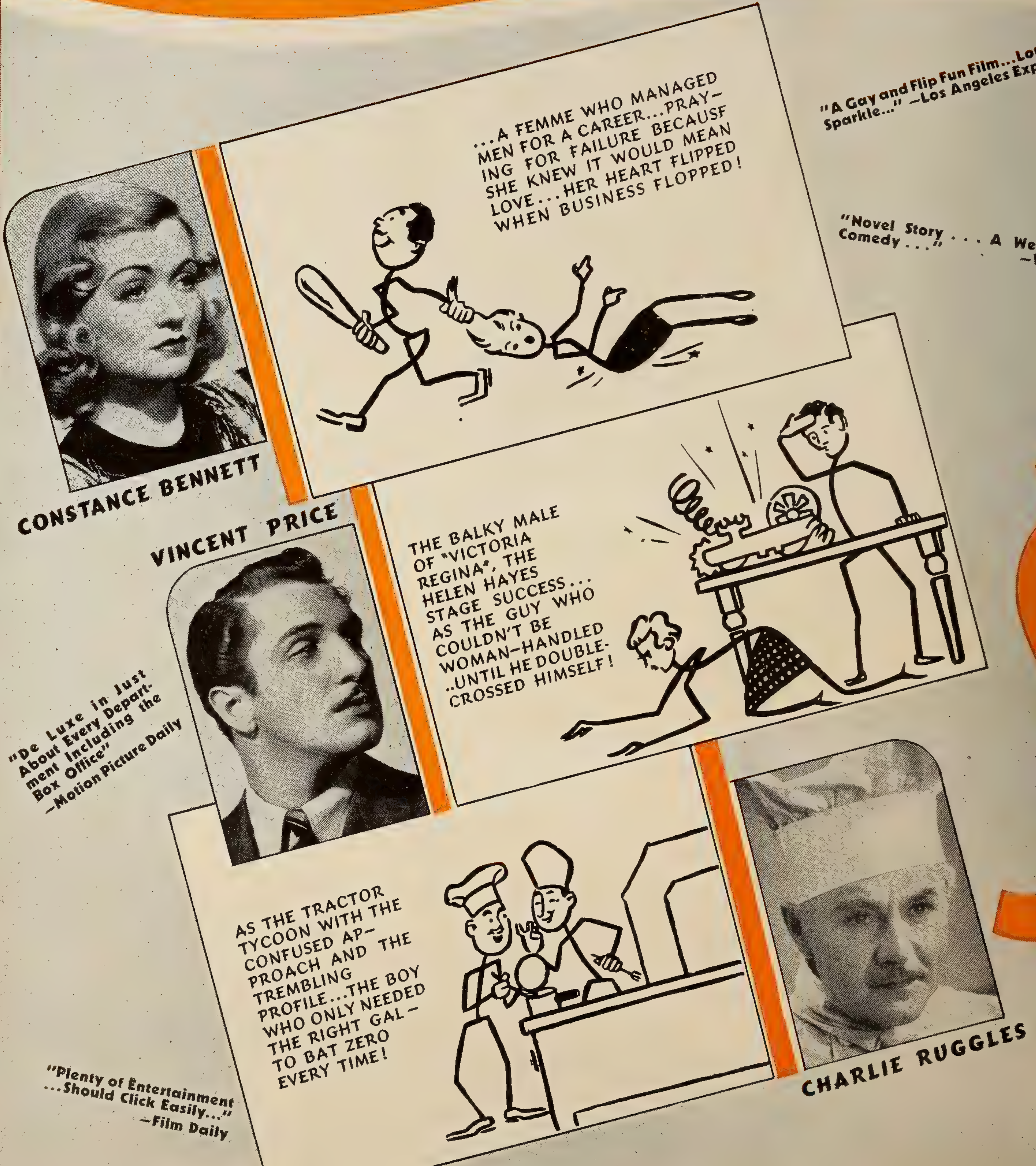
Discuss Variety Club

A proposal has been submitted to several local film and theatre men to organize a New York Variety Club. The matter was discussed during the recent visit here of John H. Harris of Pittsburgh, national head of the clubs. Local headquarters may be at the Hotel Astor, jointly with the Ampa and the I.T.O.A.

EVER SINCE "MY MA
HAS BEEN WAITIN

"A Gay and Flip Fun Film...Lots of Sparkle..." —Los Angeles Express

"Novel Story . . . A Wealth of Comedy . . ." —Variety



...A FEMME WHO MANAGED MEN FOR A CAREER...PRAYING FOR FAILURE BECAUSF SHE KNEW IT WOULD MEAN LOVE...HER HEART FLIPPED WHEN BUSINESS FLOPPED!

CONSTANCE BENNETT

VINCENT PRICE

THE BALKY MALE OF "VICTORIA REGINA", THE HELEN HAYES STAGE SUCCESS... AS THE GUY WHO COULDN'T BE WOMAN-HANDLED ..UNTIL HE DOUBLE-CROSSED HIMSELF!

"De Luxe in Just About Every Department Including the Box Office" —Motion Picture Daily

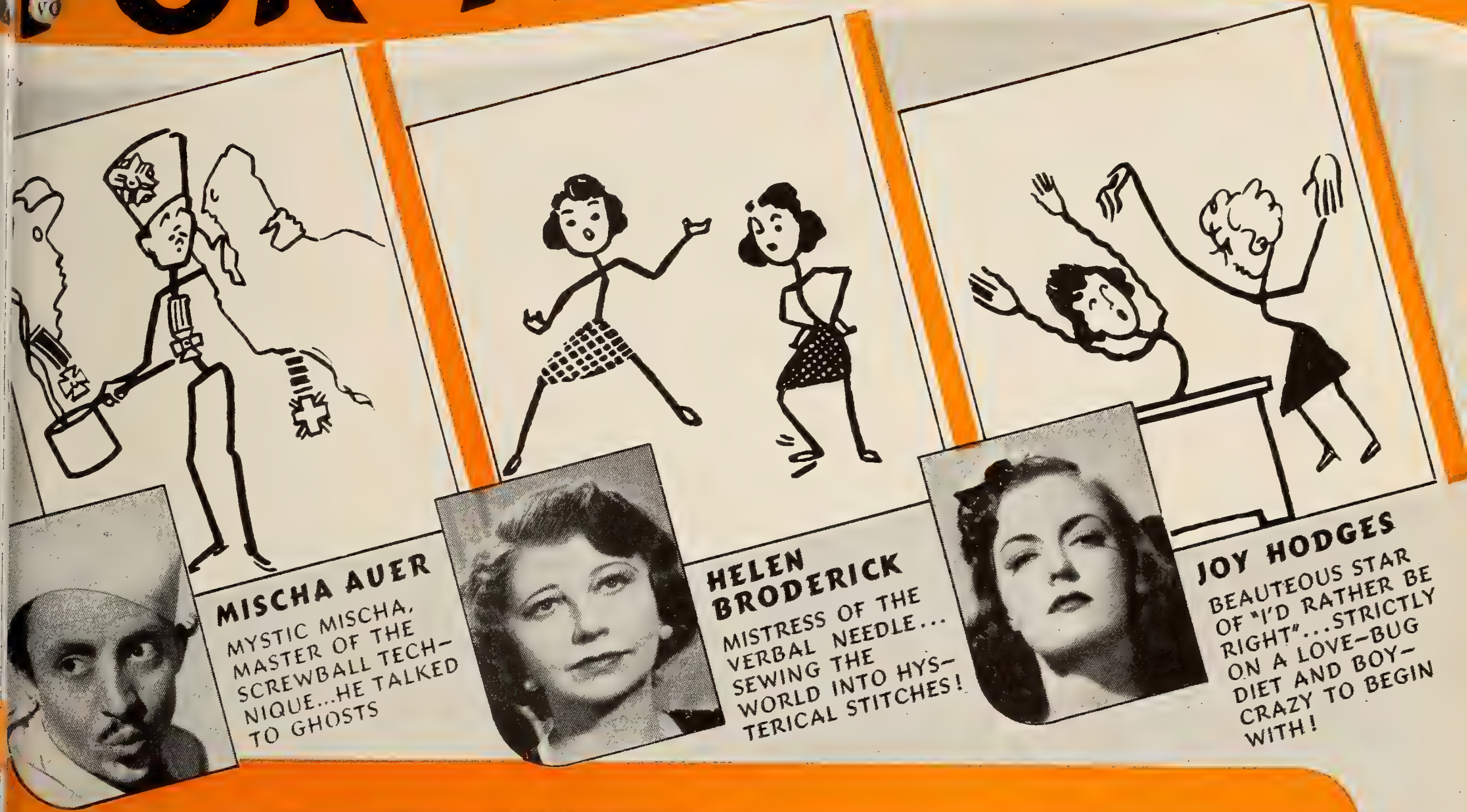
AS THE TRACTOR TYCOON WITH THE CONFUSED APPROACH AND THE TREMBLING PROFILE...THE BOY WHO ONLY NEEDED THE RIGHT GAL—TO BAT ZERO EVERY TIME!

CHARLIE RUGGLES

"Plenty of Entertainment ...Should Click Easily..." —Film Daily

GODFREY" THE COUNTRY

FOR THIS ONE!!!



MISCHA AUER
MYSTIC MISCHA, MASTER OF THE SCREWBALL TECHNIQUE...HE TALKED TO GHOSTS

HELEN BRODERICK
MISTRESS OF THE VERBAL NEEDLE... SEWING THE WORLD INTO HYSTERICAL STITCHES!

JOY HODGES
BEAUTEOUS STAR OF "I'D RATHER BE RIGHT"...STRICTLY ON A LOVE-BUG DIET AND BOY-CRAZY TO BEGIN WITH!

The NEW UNIVERSAL presents

ONSTANCE BENNETT in

ERVICE DE LUXE"

with **VINCENT PRICE**

CHARLIE RUGGLES · HELEN BRODERICK · MISCHA AUER

JOY HODGES

eenplay by GERTRUDE PURCELL and LEONARD SPIGELGASS

ROWLAND V. LEE Production

Original story by Bruce Manning & Vera Caspary
Directed by Rowland V. Lee
Associate Producer: Edmund Grainger

Downey Helps "Legion" Top Denver Gate

Denver, Oct. 30.—"Sons of the Legion," with a stage show headed by Morton Downey, turned in a smart $9,000 at the Denham. This was the best showing in a generally good week.

"You Can't Take It With You" was good for $11,000 at the Denver. It was held for 10 days before being transferred to the Aladdin.

Estimated takings for the week ending Oct. 26:

"That Certain Age"(Univ.)
ALADDIN—(1,400) (25c-40c), 7 days, after a week at the Denver. Gross: $4,500. (Average, $3,500)
"Boys Town" (M-G-M)
"Rich Man, Poor Girl" (M-G-M)
BROADWAY—(1,100) (25c-40c) 4 days on 2nd week. Gross: $1,800.
"Too Hot to Handle" (M-G-M)
"Blockheads" (M-G-M)
BROADWAY—(1,100) (25c-40c) 3 days. Gross: $1,700. (Average, 7 days, $2,500)
"Sons of the Legion" (Para.)
DENHAM—(1,750) (25c-35c-40c) 7 days, and stage show. Gross: $9,000. (Average, $5,500)
"You Can't Take It With You" (Col.)
DENVER—(2,525) (25c-35c-50c) 7 days. Gross: $11,000. (Average, $8,500)
"Too Hot to Handle" (M-G-M)
"Blockheads" (M-G-M)
ORPHEUM—(2,600), (25c-35c-40c) 4 days on 2nd week. Gross: $4,000.
"Room Service" (RKO)
"A Man to Remember" (RKO)
ORPHEUM—(2,600) (25c-35c-40c) 3 days. Gross: $3,800. (Average, 7 days, $7,500)
"Drums" (U. A.)
"Personal Secretary" (Univ.)
PARAMOUNT—(2,200) (25c-40c) 7 days. Gross: $4,000. (Average, $3,500)
"Five of a Kind" (20th-Fox)
"Convicted" (Col.)
RIALTO—(878) (25c-40c), 7 days. "Five of a Kind" after a week at each the Aladdin and Paramount. Gross: $1,500. (Average, $1,750)

UA Closes Western Deals

Four western circuits have closed for United Artists' product. They are the Tri-States and Central States circuits in the Iowa-Nebraska territory; Publix Intermountain at Salt Lake City, and the Black Hills Amusement Co., Denver. The deals were consummated by field representatives under L. J. Schlaifer, western general sales manager.

Cincy to Get Vaudeville

Cincinnati, Oct. 30.—The RKO Shubert, which has been playing straight pictures since reopening about 60 days ago, will inaugurate a vaudeville and picture policy in mid-November. Mell Snyder's orchestra, now playing a local night spot, may occupy the pit.

Open Mexico House Soon

Mexico City, Oct. 30.—Cine Coloso, a 1,500-seat house here in the downtown district, will open Nov. 15. Oscar and Samuel Ganat are the owners. Its opening will make a total of 67 film houses in operation here.

Start New Atlanta House

Atlanta, Oct. 30.—Construction of a $40,000 neighborhood theatre has been started here. The Techwood, with 500 seats, will be operated by Collett H. Munger, president of the Lanier Development Co.

Libraries to Help Child Films Drive

Libraries and schools have been enlisted by the Hays office in a drive to stress the value of films equally with books during Children's Book Week, Nov. 13-19.

Two posters have been prepared for display in connection with the observance, which is sponsored by the American Library Association. One bears the caption, "Good books cultivate the imagination—Great Movies bring their characters to life." The characters are illustrated by stills from "Sweethearts," "The Young in Heart," "Men With Wings," "Gunga Din," "Nancy Drew," "Just Around the Corner," "The Great Waltz," "Juarez," "Drums," "If I Were King," "Suez" and "Ferdinand the Bull."

The other poster has a caption, "Good books, good movies, new worlds," over a shelf of books which have been made as films. Included are "The Count of Monte Cristo," "Penrod and Sam," "Rebecca of Sunnybrook Farm," "Bob, Son of Battle," "Ferdinand," "Little Men," "Little Women," "The Adventures of Tom Sawyer," "The Prince and the Pauper," "Bambi," "Heidi," "The Last of the Mohicans," "Treasure Island," "Robin Hood," "The Three Musketeers," "Wee Willie Winkie," "The Clue in the Diary," "Little Lord Fauntleroy," "The Whispering Statute," "Captains Courageous."

The Hays office has sent librarians a pamphlet containing titles of 81 recent films made from books with the suggestion that the books are suitable for exhibit during Book Week.

Wanamaker's has arranged a series of meetings for parents at which "Elephant Boy" and "Snow White and the Seven Dwarfs" will be shown.

Agents Guild Agrees To S.A.G. Franchise

Hollywood, Oct. 30.—Skirmishing between the Screen Actors Guild and agents over the guild proposal to regulate agents has reached a point where the Artists-Managers Guild, headed by M. C. Levee, has agreed to franchising by the guild of agents in Hollywood.

The concession was granted only on the condition that all agents now in business here be given the first franchise and that both groups draft a code of ethics.

Film Leaders Aiding Chicago Fund Drive

Chicago, Oct. 30.—The Amusements Division of the 1938 Chicago Community Fund campaign has been assigned a quota of $25,000 in the annual appeal now under way. Jack Kirsch, president of Allied Theatres of Illinois, is division chairman.

Team captains are: John Balaban, David Balaban, James Booth, T. J. Burke, Albert Burne, James E. Coston, Clyde W. Eckhart, Fred Felbinger, Abe Fisher, Julius Goodman, James V. Guercio, Louis H. Harrison, W. K. Hollander, Earl E. Johnson, Aaron J. Jones, Jr., Joseph Koppel, Samuel Krimstein, Benjamin Lasker, M. Leonard, Harry Lustgarten, J. R. McPherson, Clarence Miller, Jack Miller, V. A. Nomikos, J. Osserman, Chris Otto, Tony Owen, Frank Pearlman, A. J. Platt, N. M. Platt, N. Rafalski, Louis Reinheimer, Gene Rich, Charles Ryan, Peter M. Shayne, A. Schoenstadt, Edwin Silverman, John P. Smith, Joseph Stern, Ludwig Sussman, A. L. Trebow, E. C. Upton, Allen Usher, David Wallerstein and J. J. Weiss.

Games Ruling Hits Toronto Exhibitors

Toronto, Oct. 30.—Exhibitors find themselves behind the eight ball in connection with Bingo and other games of chance because of a ruling by Judge Daniel O'Connell and Crown Attorney J. W. McFadden that the games are legal providing they are conducted by churches, service clubs and military organizations on an occasional basis and with total proceeds being devoted to charitable purposes. When prompted by individuals on a percentage of the take, the game will be regarded as contrary to the Criminal Code, it was announced.

A recent amendment to the Criminal Code made Bingo, Keno and Housie-Housie illegal, but law enforcement officers have let down the bars for churches and societies.

Republic Changes Titles

Hollywood, Oct. 30.—Republic has changed the title of the Gene Autry vehicle, "Bloom on the Sage," to "Western Jamboree," and the Roy Rogers western, "Texas Ranger," to "Come On, Rangers."

"Certain Age" Tops Seattle With $8,300

Seattle, Oct. 30.—"That Certain Age," on a dual with "Campus Confessions," was the leading attraction of the week. The combination took $8,300 at the Paramount and was held over.

"You Can't Take It With You" took $7,700 in its fourth week at the Liberty and was held again. "The Arkansas Traveler" and "Secrets of an Actress" pulled $6,700 at the Orpheum, but elsewhere business was off.

Estimated takings for the week ending Oct. 25:

"Boys Town" (M-G-M)
BLUE MOUSE—(950), (30c-40c-55c) 7 days, 4th week, extended run from Fifth Avenue. Gross: $4,150. (Average, $4,000)
"The Sisters" (W. B.)
FIFTH AVENUE—(2,500), (30c-40c-55c) 7 days. Gross: $6,200. (Average, $7,000)
"You Can't Take It With You" (Col.)
LIBERTY—(1,800) (20c-30c-40c-55c) 7 days, 4th week. Gross: $7,700. (Average, $5,000)
"Too Hot to Handle" (M-G-M)
MUSIC BOX—(950) (30c-40c-55c) 7 days, 3rd week, extended run from Fifth Avenue. Gross: $3,800. (Average, $4,000)
"The Arkansas Traveler" (Para.)
"Secrets of An Actress" (F. N.)
ORPHEUM—(2,450) (30c-40c) 7 days. Gross: $6,700. (Average, $6,000)
"Down In Arkansas" (Republic)
"Wanted By the Police" (Monogram)
PALOMAR—(1,500) (15c-25c-35c) 7 days. Stage: Vaudeville. Gross: $4,200. (Average, $4,500)
"That Certain Age" (Univ.)
"Campus Confessions" (Para.)
PARAMOUNT—(3,050) (30c-40c) 7 days. Gross: $8,300. (Average, $6,000)

Midshipmen See "Patrol"

"Submarine Patrol" was shown yesterday at the Naval Academy at Annapolis for 2,100 midshipmen and Rear Admiral Wilson Brown and his staff. Twentieth Century-Fox transported trade paper representatives to Annapolis for the special screening, with Earl Wingart acting as guide. Arrangements at Annapolis were made by Marc Lachmann, exploitation manager.

An audience of more than 1,000, including Government officials, saw the film at a Navy Day screening at the National Press Club in Washington Friday night.

Gainsborough Starts Film

London, Oct. 30. — Gainsborough has started production at Islington of "A Girl Must Live," which may be released by 20th Century-Fox. Carol Reed is directing and Margaret Lockwood is starred.

To Show Mexican Films

Mexico City, Oct. 30.—Local first run exhibitors have accepted the civic Government's proposition to help out Mexican producers by showing two domestic films each during November and December.

Acquire "Cherie Bibi"

. Edwin Fadiman, general manager of National Pictures Corp., has acquired "Cherie Bibi," French picture based on the Devil's Island penal colony, from Films Red Star, Paris, for distribution in this country.

Out Hollywood Way

Hollywood, Oct. 30. — Wendy Barrie will play opposite Victor McLaglen and Chester Morris in "Pacific Liner" at RKO . . . Paulette Goddard, borrowed from Selznick International, will be co-starred in M-G-M's "Girls' Dormitory."

Wayne Morris, Pat O'Brien, Joan Blondell and May Robson will be featured in Warners' "Broadway Cavalier," from an original by Dalton Trumbo . . . Ann Gillis, who recently completed the title role in "Little Orphan Annie," is home with influenza . . . Edward Small has signed David C. Werner as casting director . . . Basil Rathbone has been given a featured role in Universal's "Son of Frankenstein," in which Boris Karloff and Bela Lugosi have the top roles.

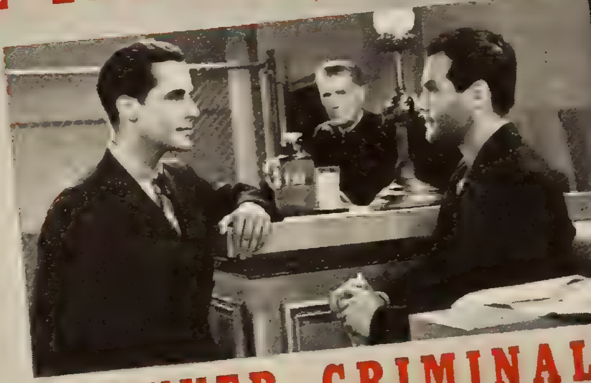
✚

Casting—Wade Boteler, Dan Wolheim in "Oklahoma Kid," Warners . . . Emma Dunn, Cora Witherspoon in ""Dodge City," Warners . . . Claude King in "A Christmas Carol," M-G-M . . . Pedro de Cordoba in "Dramatic School," M-G-M . . . Halliwell Hobbes, Granville Bates in "Always Leave Them Laughing," Warners . . . Janet Chapman draws a featured role in Warners' "Hell's Kitchen," in which the "Dead End" kids and Gale Page will have top roles.

CRIMINAL LAWYER

JIMMIE FIDLER
Says

"A lusty peal for little Republic's 'I Stand Accused', proving good pictures can be made for less than a million."



or LAWYER-CRIMINAL?

I STAND ACCUSED

ROBERT CUMMINGS • HELEN MACK
LYLE TALBOT • THOMAS BECK

Associate producer and director JOHN H. AUER

"Cummings is splendid as a young lawyer who becomes a hoodlum's mouthpiece." *Film Daily*

Republic

See THE NATIONAL THEATRE SUPPLY COMPANY CONVENTION EXHIBIT of Simplex E-7 PROJECTOR and Simplex ★★★ SOUND SYSTEM
THE WORLD'S NEWEST and FINEST SOUND and VISUAL PROJECTION EQUIPMENT

New York Preview

"Submarine Patrol"

(20th Century-Fox)

Almost any picture with a U. S. Navy background is assured of a warm box-office reception. This one, with its ready-made patriotic appeal, plus plenty of action concentrated right in front of the camera on one of those wartime 110-foot wooden submarine chasers, looks like a natural. In addition, there is plenty of comedy to balance the tense moments.

John Ford has had experience directing this type of picture, and apparently it has served him well.

The story begins in the early war days when recruits were flocking into the Navy. One of them, Richard Greene, bursts in with a background of social influence and finds himself assigned to a sub chaser as engineer. He meets Nancy Kelly, daughter of the captain of a merchant ship carrying munitions, almost immediately. Romance buds, but is promptly blighted when the captain (George Bancroft) kicks Greene down the gangplank.

There are plenty of comic doings by the recruits before the little ship sails for Italy convoying the merchant vessel carrying Miss Kelly. Storm shots and the bombing of a U-boat on the way over are exciting. In Italy Greene tries to marry Miss Kelly, but Bancroft gums the works again.

Volunteers are called for to bomb a U-boat hiding on the Adriatic coast. This sequence builds up powerfully as the chaser threads its way among mines in a fog and culminates in a spectacular attack with shells and machine guns.

Another attempt by Greene to get married is thwarted by naval orders, but the film ends with the feeling a happy culmination of the romance is in prospect.

Some fine performances are turned in by the supporting cast which includes Preston Foster, John Carradine, Slim Summerville, George E. Stone, Warren Hymer, J. Farrell MacDonald, Douglas Fowler and Ward Bond.

Running time, 94 minutes. "G."* J. M. Jerauld

Hollywood Preview

"The Storm"

(Universal)

Hollywood, Oct. 30.—From first to last "The Storm" seeks to satisfy those who appreciate sensationalism in pictures. That quality is projected via a ship-iceberg crash, several storms, an explosion at sea and a surgical operation performed by remote control radio telephone advice.

Charles Bickford loves the sea, its dangers and the rough joys of a sailor's life. But he does not want his young brother, Tom Brown, to have any part of it. After the iceberg and explosion disasters have fulfilled their functions, he sees Brown's girl, Nan Grey, and concludes quickly that she is the kind of sweetheart that sailors find in every port. But when, after Miss Grey has saved Brown's life by performing an operation as he relays radio instructions, Bickford understands things in a different light. Content that Brown will be safe in union with Miss Grey, his last bit of business is avenging himself upon Barton MacLane, ship captain, whom he holds responsible for the loss of Preston Foster's life during the iceberg crash.

The production, based on a story by Theodore Reeves, Daniel Moore and Hugh King and directed by Harold Young, is played from the standpoint of straight melodrama.

Running time, 75 minutes. "G."* G. McC.

---

*"G" denotes general audience classification.

Interboro to Open House

Interboro Circuit will open a new house, the Cambria, St. Albans, Nov. 24. The President, Bronx, has been taken over by the Dartmouth Amusement Corp. Charles Morse and Louis Rothenberg are the principals.

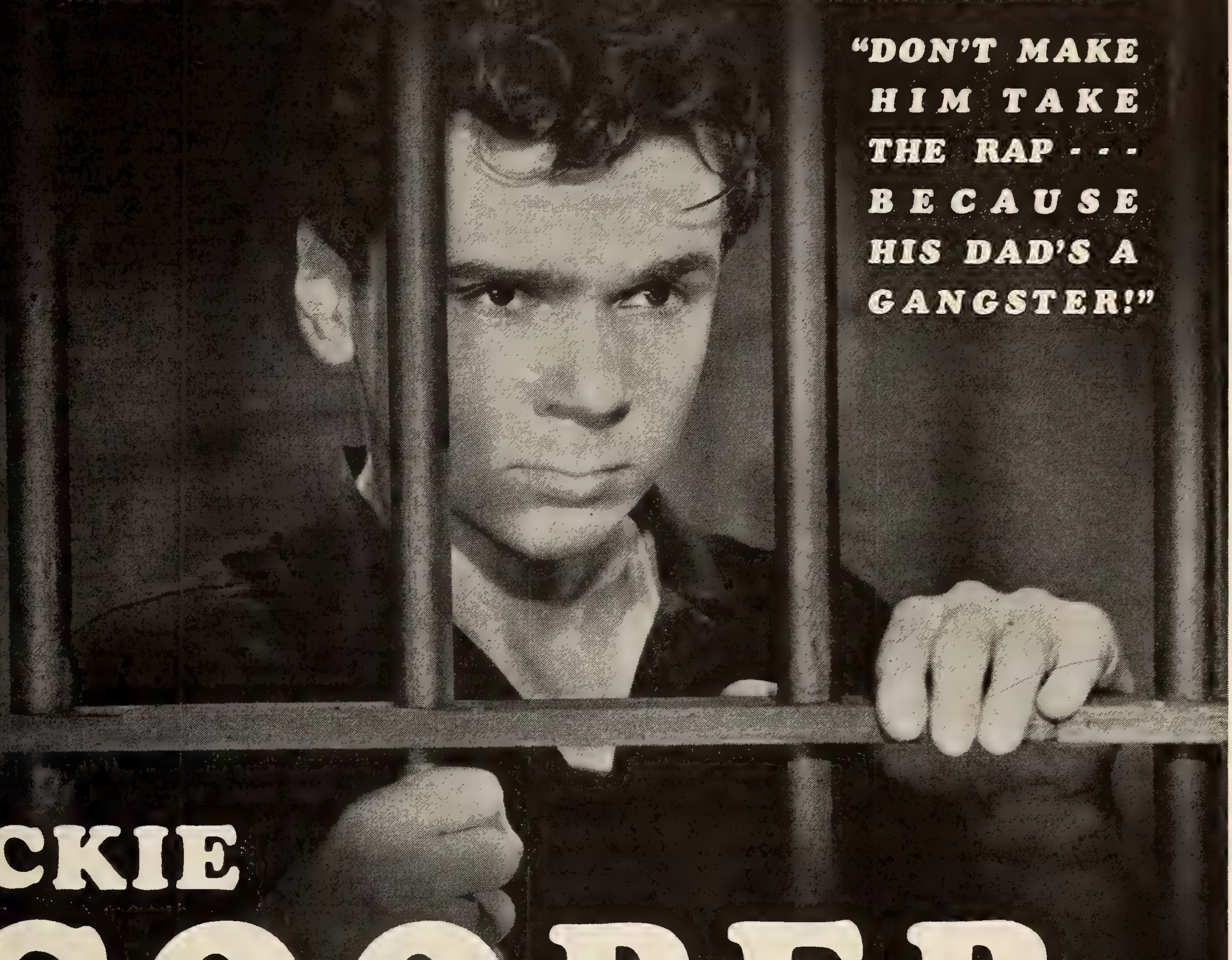
The Highbridge, Highbridge, N. J., will be closed Saturday. The Springer Circuit has closed the St. George Playhouse, Brooklyn.

Universal Seeks Berle

Hollywood, Oct. 30.—Milton Berle, having terminated his contract at RKO and returned to New York for personal appearances, is now being sought by Universal for the lead in a mystery story, the action of which takes place in a radio community sing. The story, "Radio Rendezvous," is by Anders Johnson.

Simplex ★★★ SOUND SYSTEM • Simplex E-7 PROJECTOR
WILL BE SHOWN IN THE CONVENTION EXHIBIT OF THE NATIONAL THEATRE SUPPLY COMPANY
SECURE FULL INFORMATION REGARDING THESE OUTSTANDING BOX OFFICE ATTRACTIONS

"GIVE THE KID A BREAK - - - HE'S NOT A KILLER!"



"DON'T MAKE HIM TAKE THE RAP - - - BECAUSE HIS DAD'S A GANGSTER!"

JACKIE

COOPER

The All-American Boy Star in

"GANGSTER'S BOY"

WITH

ROBERT WARWICK · LUCY GILMAN · LOUISE LORIMER

Screenplay by ROBERT D. ANDREWS
Story by KARL BROWN *and* ROBERT D. ANDREWS
Directed by WILLIAM NIGH

A MONOGRAM PICTURE

MONOGRAM
MPC
PICTURES

Radio Meets Wage Terms, NAB Reports

(*Continued from page* 1)

"it appears clear that various executive titles found in broadcasting stations do not, in themselves, entail exemption from the act. A chief engineer who stands a regular watch, for instance, would appear to be included rather than excluded. Likewise, the head of a production department who took a turn as a regular announcer would appear to be included, even though he met the other qualifications for exemption. Both the American Communications Association (CIO) and the International Brotherhood of Electrical Workers (AFL) have taken the position that all technicians with the exception of a chief engineer who did not stand a regular watch, were non-professional and thus included in the act."

Concerning musicians and staff artists, the N.A.B. states there appears to be some question as to whether they are professionals under the act. The N.A.B. states it does not know of any staff artists in radio working more than 44 hours a week or receiving less than 25 cents an hour. Continuity writers, the N.A.B. states, seem to be covered.

RCA Wins Patent Case

Radio Corp. of America, American Telephone & Telegraph Co., Vreeland Apparatus Co., Inc., and General Electric Co. won a victory in the U. S. District Court Friday when Harold Kirschbaum, doing business as Luxor Radio Manufacturing Co., defendant in two suits charging infringement of 17 patents on radio receiving apparatus, filed consent to an injunction restraining him from continued infringement.

New Radio Foto Log Out

A new edition of *Radio Foto Log* has been published by the National Radio Union, parts manufacturers, for distribution through radio dealers. The log is edited by Sam Kaufman.

Telephone Audition

Hollywood, Oct. 30.—Billy Gilbert and Charles Irwin, British comic, will audition for a new transcontinental show for an eastern sponsor over a special telephone hookup to CBS, New York. Background music will be presented by Simeon's orchestra and chorus.

The deal, if it goes through, will have Gilbert and Irwin's show replacing one of the present transcontinentals.

Two Albany Stations To Have New Studios

ALBANY, Oct. 30.—Remodeling of the Van Benthuysen home for occupancy by WABY and WOKO on Feb. 1 will provide an auditorium for air audiences, according to Harold E. Smith, general manager of WOKO.

WOKO studios and an auditorium will be on the first floor, while WABY, which will lease space from WOKO, Inc., is to occupy the second and fourth floors. WOKO general business offices will be on the third, with engineering and sales quarters on the fourth.

Shift Program Mailing

SAN FRANCISCO, Oct. 30.—CBS has transferred to KNX, Hollywood, all mailing of program copy and station schedules. Harry Elliott, for many years the network's local publicity and mailing agent, will be used in the future on special assignments. Marie Houlihan is transferred from Elliott's staff to the local CBS office, to handle press releases and schedule corrections.

Nash Closes WHN Deal

Nash-Kelvinator has entered into a contract with WHN for an announcement campaign, starting Nov. 8. Account was placed by Geyer, Cornell & Newell.

Plan Mexican Station

MEXICO CITY, Oct. 30.—Mexico's state industrial and agricultural producers have raised funds to establish a powerful radio station in Tepic, the state capital.

To Call Networks First in Air Quiz

WASHINGTON, Oct. 30.—Network representatives will be the first witnesses to be called before the Federal Communications Commission in its hearings on chain broadcasting and monopoly which are to open Nov. 14, it was said Friday by Chairman Frank R. McNinch.

The national nets will be called first, in the order of the date of their establishment, to be followed by regional webs, in similar order. The next group to be heard will be those of persons and organizations who have asked for opportunity to testify, and the committee then will go into the question of management contracts, leases, etc., and then will call broadcasters to testify to various phases of the situation. This will be followed by exploration of common ownership of stations, and the hearings will wind up with a study of transcription services.

Tentative Dates Set On Station Hearings

WASHINGTON, Oct. 30.—Tentative assignments for examiners' hearings on broadcasting applications have been made by the Federal Communications Commission, as follows:

Jan. 10: Applications of James F. Hopkins, Inc., for a 1,400-kilocycle, 250-watt station at Ann Arbor, Mich., and WJEJ, Hagerstown, Md., for increase of day power from 100 to 250 watts.

Jan. 11: Application of Sweetwater Radio, Inc., for a 1,210-kilocycle, 250-watt, daytime station at Sweetwater, Tex.

Jan. 13: Application of The Hartford Times, Inc., for a 1,200-kilocycle station at Hartford, with 100 watts night, 250 watts day.

RCA Votes Dividends

Dividends have been voted by the RCA board on all three classes of stock.

On the $3.50 cumulative convertible preferred 87½ cents will be paid for the period from Oct. 1 to Dec. 31. Payments will be made Dec. 14 to holders of record at the close of business Nov. 7.

On the outstanding "B" preferred $1.25 will be paid for the same period, the same day, and on the common 20 cents will be paid.

Weber Addresses Ad Men

Fred Weber, general manager of Mutual, delivered an address on radio's place in advertising before a meeting of the southwest section of the American Federation of Advertisers over the weekend.

CBS Adds 2 Salesmen

CBS has added two men to the WABC sales staff, Beverly M. Middleton, formerly sales manager of WFAS, White Plains, and Bob Mayo, formerly in the sales service division at CBS.

To Begin Poetry Series

A. M. Sullivan will return to WOR-Mutual, Nov. 6, with the first of a new series of his "New Poetry" programs, to be heard each Sunday from 2:45 to 3 P. M.

Radio Personals

NAN WYNN of CBS will inaugurate a vaudeville tour Nov. 3 with a week's engagement at the Capitol, Washington, to be followed by engagements in Hartford and Philadelphia. . . . Lauritz Melchior, back from a concert tour of the northwest will be the soloist on the RCA "Magic Key" Nov. 13. . . . Clay Hamilton, head of the Pulitzer Prize Play committee and composer Kurt Weill will discuss the theatre on WMCA Nov. 4 at 2:30 P. M. . . . The Three Drews, WHN singing trio, have been renewed on the station.

✚

San Francisco

H. C. Moore, ex-manager of Thomas Lee Artists Bureau at KFRC, has joined NBC's booking office, Consolidated Radio Artists . . . Actor-Announcer Jack Moyles has left KSFO, CBS station, after an association of five years . . . Frank Castle, KYA pianist, wrote the music for the annual food show's production, "Feast Your Fancy" . . . Darrell Donnell, former *Examiner* radio scribe, is now sponsored Sunday afternoons on KFRC, doing newscasts for Borden Dairy Delivery Co. . . . Jane Newman, 12, who first broadcast when eight years old, has been added to the KPO skit, "Sons of the Lone Star."

Radio Set Sale Up For Final Quarter

Sale of radio receiving sets, down for the first half of the year, has picked up remarkably with the outlook now that the final quarter will register a substantial gain over that of 1937, according to estimates by the radio manufacturers.

While the volume this year is not expected to reach the 7,300,000 of 1937, the industry is optimistic that it will pass the 6,500,000 mark, and in all likelihood it will go higher.

WMFF Joins Empire Net

ALBANY, Oct. 30.—WMFF, Plattsburg, has been added to the Empire State Network for the duration of the political campaign, according to Harold E. Smith, president. Regular stations are WHN, New York; which will originate the bulk of the programs; WABY, Albany; WMBO, Auburn; WSAY, Rochester; WIBX, Utica, and WBNY, Buffalo.

General Mills Adds KYA

SAN FRANCISCO, Oct. 30.—General Mills has added KYA to the list of coast stations airing "The Grouch Club," under the sponsorship of "Corn Kix." The program is released Monday nights over a special network of the California Radio System. Account is placed through Blackett-Sample-Hummert, Inc.

"Rally" on 10 Stations

"People's Rally" on Mutual has just added CKLW, Detroit, and WHK, Cleveland, to the hookup, raising the total network for the show to 10 stations in primary markets. H. M. Kiesewetter is the agency.

. . . GOOD MORNING!

When Polly Shedlove says "Good Morning" her large audience eagerly welcomes her sprightly, human, friendly-neighbor visit. She and her guests bring helpful, entertaining minutes, so crowded with animated conversation that they stay until her final "I'll be dashing along now." Here's the New York participating show for results . . . on the air every morning from 9:00 to 9:30 a. m.

WHN
DIAL 1010
NATIONAL SALES REPRESENTATIVES
EDWARD PETRY & CO., INC.

Commemorating...

THE INAUGURATION OF HOLLYWOOD'S RADIO CITY
WESTERN DIVISION HEADQUARTERS OF THE
WORLD'S GREATEST BROADCASTING SYSTEM

NETWORK BROADCASTING TRAIL BLAZED BY NBC

Starting as a network of 19 stations NBC now operates twin webs comprising 159 stations, and its personnel has grown from a score to more than 2,000

The National Broadcasting Company first of the great radio broadcasting networks, came into existence "to provide the best programs available for broadcasting in the United States." The bold gesture of forming the pioneer company was made in November, 1926. Two weeks later NBC presented its first network program. Titta Ruffo, Mary Garden, Will Rogers, the New York Symphony Orchestra with Walter Damrosch conducting, and Weber and Fields were among the performers on the inaugural program.

Since, NBC has grown from a network of 19 stations, to two nationwide networks comprising 159 stations. The NBC personnel has grown from hardly more than a score of persons to more than 2,000 who administer the programs, their transmission and the attendant business affairs. The sponsored program has made it possible for NBC to expend millions of dollars for talent, millions more for wire facilities and still other millions for adequate studio facilities. NBC today is secure in radio leadership and solid on its economic foundation.

AIR WILDERNESS

From the vantage point of 1938 it is easy to find reasons why the venture should have proved successful. In 1926, however, no one had blazed the trail into the wilderness of network broadcasting. At that time hundreds of stations were on the air, many of them adjuncts to firms selling home receivers. Radio was still a novelty.

A higher grade of entertainment was in order. The amateur talent of the earlier days of broadcasting had to make way for professional talent. Stations remote from the centers of entertainment talent had exhausted their program resources. Caught between the high cost of broadcasting and the necessity of paying for talent, many of those who originally took licenses to operate stations dropped by the wayside. Others began to call for help from the more strategically located New York stations. Something had to be done—and done quickly, if the radio industry was to progress and prosper.

Accordingly, RCA announced, in September, 1926, the intention to form the National Broadcasting Company. Many of the pioneer stations of the country quickly availed themselves of its syndicated program service. KDKA, Pittsburgh, whose broadcast of the Harding-Cox election returns in November, 1920, marked the beginning of broadcasting in the modern understanding of the term, was one of the original NBC associates. WGY, Schenectady, was another. WEAF was the key station of the first NBC Network, known as the "Red Network," and included KYW, since removed from Chicago to Philadelphia, and WBZ, Springfield, Mass.

The management of WJZ, New York, was shortly turned over to the new company and in January, 1927, it became the key station of a second group of stations, called the "Blue Network." The NBC Pacific Coast Network was established in April of the same year.

At the outset Merlin H. Aylesworth, first president of the NBC, laid down three fundamental working principles for the new organization. "First," he said, "we must find the programs giving the fullest measure of service to the public. Next, we must establish the best facilities for such service. Lastly, we must make the structure self-sustaining, for obviously if broadcasting is to survive it must stand on its own feet." Another rule early established was that all programs should be given by living talent, that no transcription or recordings should be broadcast over the networks. This rule is still in force.

FULFILLMENT

So far as the listener is concerned, NBC has lived up to those promises. From the beginning it drew upon the best of available talent. The Boston Symphony Orchestra was early presented. The first broadcast from an opera house, given by the Chicago Civic Opera Company, was broadcast over NBC networks in 1927 and thus established a feature of NBC programs later continued with the weekly matinee broadcasts from the Metropolitan Opera House. The NBC Music Appreciation Hour began in 1928. Politics had their first big hearing when NBC broadcast the campaign speeches in the presidential contest of 1928. The National Farm and Home Hour, began in 1929. The first program from England over the NBC networks came the same year, and first successful transatlantic broadcast originated in the Netherlands several months later.

Of the commercial programs broadcast in NBC's first years, thousands still hold pleasant memories of the A. & P. Gypsies, the Clicquot Club Eskimos, the Ipana Troubadours, the Happiness Boys, the Smith Brothers ("Trade & Mark"), the Happy Wonder Bakers and many others. Breen and de Rose, Vaughn de Leath, the Silver Masked Tenor, Jessica Dragonette and the Revelers were among the most popular of artists.

Perhaps the best method of gauging the progress of radio and NBC from 1930 forward is to list some of the many radio "firsts" and notable programs. 1930 was opened with a special four-hour program with pick-ups from different points across the country. A two-way conversation between Commander Richard E. Byrd at Dunedin, New Zealand, and members of the staff of WGY, Schenectady, marked the first long-distance program of this type broadcast over NBC.

PROGRESS

Another notable two-way conversation over NBC was between Guglielmo Marconi, aboard his yacht Elettra in Italian waters, and persons at the NBC studios in New York. The Premier of Japan and President Hoover spoke during the first program to originate in Japan for broadcast in the United States.

The next year was marked by the use for the first time of semi-portable switching equipment in the NBC coverage of the Army air manoeuvres, the first tests and broadcasts from the American Clipper, a pickup of an eruption in Kilauea in Hawaii, the beginning of the NBC series of broadcasts of complete operas from the Metropolitan Opera House.

The first program in which soloists in one city were accompanied by an orchestra in another hundreds of miles distant was heard at the beginning of 1932.

Perhaps the most significant development of recent years in radio has been the rapid increase of public service programs—broadcasts of educational and cultural material, news coverage from the scene of action, programs built around discussions of immediate and pressing public issues. Of the first named group, a most eminent example and one of radio's great achievements was the establishment and maintenance of the NBC Symphony Orchestra, directed by Arturo Toscanini. Assembled by NBC specifically for the education and entertainment of the radio audience, the organization is already recognized as one of the few great symphony orchestras of the world. The Metropolitan Opera broadcasts, shortly to begin their eighth successive year, are outstanding. America's Town Meeting of the Air, has in the three years it has been heard over NBC, proved that the issues discussed and clarified for the man in the street are of vital interest to millions of listeners. Science, religion, economics and other subjects are dramatically presented in still other series.

The most recent, and perhaps the most striking success of radio a[illegible] disseminator of news occurred d[illegible]ing the momentous twenty days that led to the Munich agreement respecting Czechoslovakia. NBC played a leading part in this drama. From Prague, London, Berlin, Godesberg, Padua, Udine, Brussels and other capitals and cities seething with war news came hundreds of broadcasts, given by crack reporters and broadcasters. Hitler was heard in his Nuremberg and Berlin addresses. President Benes of Czechoslovakia spoke from Prague. Chamberlain expressed his hope for peace from 10 Downing Street and Daladier, on the eve of his departure for Munich, reassured the world that France would do its utmost to preserve peace. Mussolini expressed his country's will in two addresses over NBC. Finally, NBC scored a world beat in giving the text of the Munich peace almost a full hour before it was presented elsewhere.

CONTRIBUTIONS

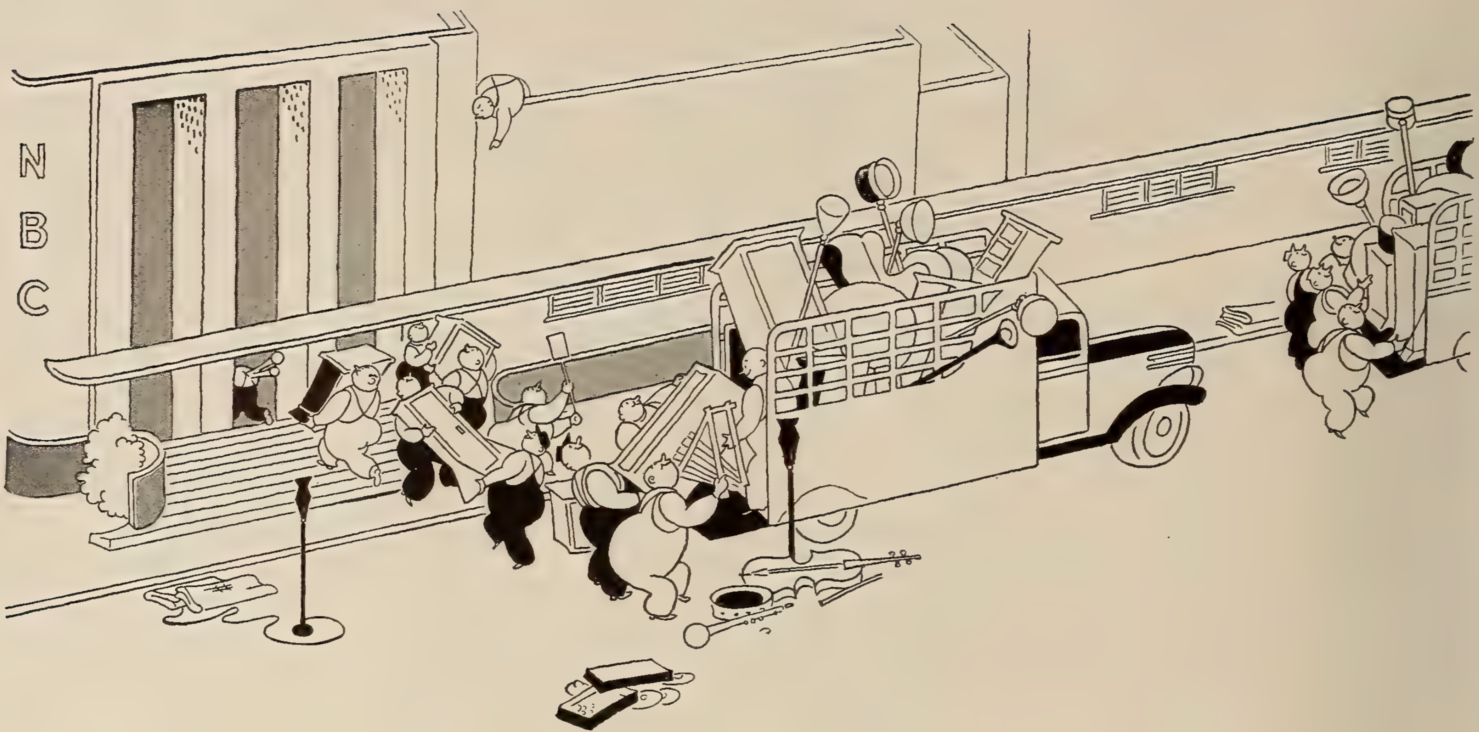
NBC has also led in the development of the broadcasting studio. Many of the basic contributions to studio design have been contributed by the NBC engineering department. Broadcasting began in ordinary offices converted to the use of radio by the simple expedient of hanging drapes on the walls to prevent echoes from reaching the crude microphones. WJZ had a studio of this type in 1921. The first studios of the "floating" type, suspended on steel clips, were built into the famous NBC plant at 711 Fifth Avenue, New York, for years known as "broadcasting headquarters." In 1933 NBC moved into the present studios at Radio City, which immediately became the standard for broadcasting studio construction. And NBC has extended its ultra modern studio system across the country. Washington, D. C., Philadelphia, Schenectady, Cleveland and Hollywood have all had new plants built within the last two years. The Hollywood plant has just been put into operation.

With an eye to the future, the NBC has gone into intensive exploration of two new radio fields—television and international short wave broadcasting. In television, NBC has been active for more than a decade, first with mechanical scanning equipment and lately with the all-electronic system. NBC maintains a complete television staff at Radio City, the only one in the United States exploring every aspect of television broadcasting, in anticipation of regular public service.

In the international field, Stations W3XAL and W3XL, with transmitters at Bound Brook, New Jersey, broadcast news bulletins and specially built programs in six different languages on radio beams directed at Europe and South America.

WE'RE NOT HAVING A HOUSEWARMING

...things are hot enough here already with all the business jammed into these studios . . . In fact, coast-wise advertisers use more time on the NBC Pacific Coast networks than all other Pacific Coast networks combined.

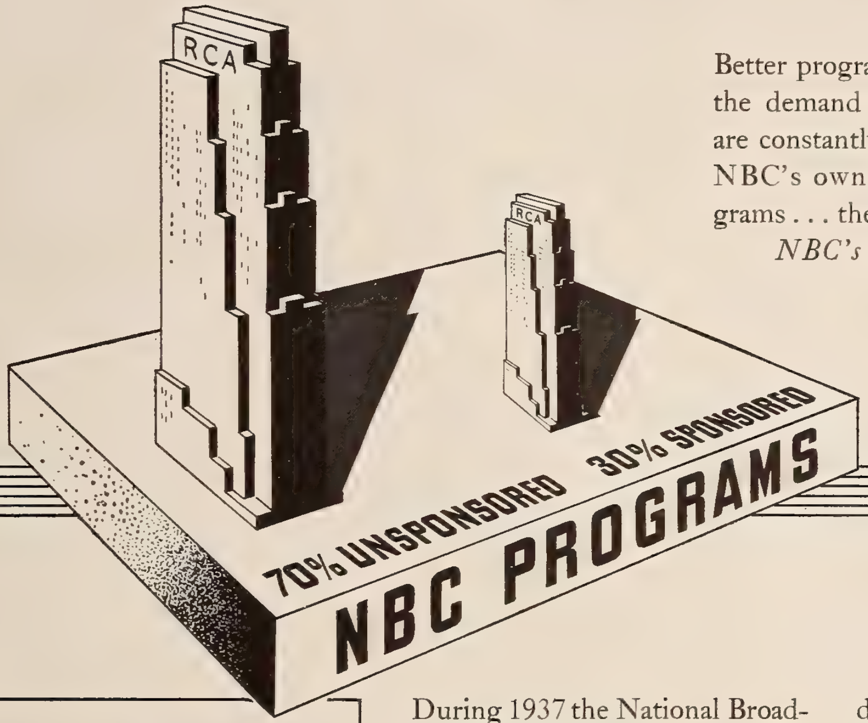


Welcome to our new neighbor, NBC

COLUMBIA SQUARE

KNX COLUMBIA PACIFIC NETWORK
COLUMBIA SQUARE • HOLLYWOOD

RCA Continues to Build America's Radio Audience!



Better programs—which increase the demand for better radios—are constantly being fostered by NBC's own unsponsored programs . . . they constitute *70% of NBC's time on the air!*

NBC HIGHLIGHTS

These are but a few of the many fine programs which make up NBC's *70% unsponsored time on the air!*

- ★ Metropolitan Opera Broadcasts
- ★ NBC Symphony Broadcasts
- ★ Music Appreciation Hour
- ★ National Farm & Home Hour
- ★ NBC Radio Guild
- ★ America's Town Meeting of the Air
- ★ The Radio Pulpit
- ★ University of Chicago Round Table

RCA presents the Magic Key every Sunday, 2 to 3 P. M., E. S. T., on the NBC Blue Network.

During 1937 the National Broadcasting Company, a service of RCA, broadcast more than 50,000 unsponsored programs. Such service accounted for 70% of all NBC time on the air. The variety offered was as wide as human interests.

Through the miracle of radio such programs bring to millions entertainment, information and help which they could not receive otherwise. Through NBC, living rooms become boxes at the Metropolitan Opera. Or they are filled with the sonorous cadences of great symphonies, played by the NBC Symphony Orchestra, conducted by Arturo Toscanini, or some other famous conductor.

Again, it may be current prices of eggs, or pork, or a discussion of books and plays. But whatever the subject, if it is of interest to any considerable part of the public, NBC provides programs which deal with it.

Programs such as these, together with the fine programs sponsored by NBC advertisers, have been largely responsible for the increased sale of radios. And in offering listeners better radios RCA further stimulates America's interest in fine radio programs.

Radio Corporation of America

RADIO CITY, N. Y.

RCA MANUFACTURING CO., INC.   RCA INSTITUTES, INC.   RCA COMMUNICATIONS, INC.
RADIOMARINE CORPORATION OF AMERICA   NATIONAL BROADCASTING COMPANY

THEY PULL THE STRINGS

LENOX R. LOHR
President

On their orders, 100 programs a day are presented to audiences of millions. On their orders oceans and continents are bridged, time and distance and all difficulties ignored

DAVID SARNOFF
Chairman of the Board

NILES TRAMMELL
Vice-Pres., Central Division

JOHN F. ROYAL
Vice-President, Programs

DON GILMAN
Vice-President, Western Division

ROY C. WITMER
Vice-President, Sales

A. L. ASHBY
Vice-President and Counsel

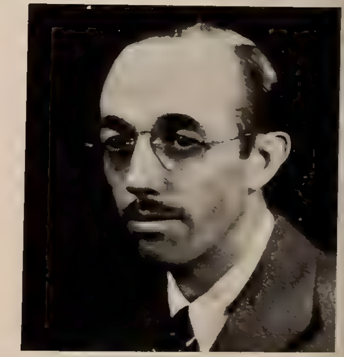
FRANK RUSSELL
Vice-Pres., Washington, D. C.

MARK WOODS
Vice-President and Treasurer

GEORGE ENGLES
Vice-President, Artists Service

FRANK E. MASON
Assistant to President

WM. S. HEDGES
Vice-Pres., Stations Relations



O. B. HANSON
Vice-President, Engineering

Saluting N·B·C's NEW HOLLYWOOD STUDIO

Sincere congratulations and good wishes.
Nelson Eddy

Yes, Charlie, we are going into NBC's fine new studio and we want to wish them luck.
Bergen, McCarthy

Are we giving up the old homestead, Bergen?

Best wishes for happiness and success in your beautiful new home.
Dorothy Lamour

Happy house-warming—and good luck right from the start!
Robert Armbruster

Yes, I'm happy about the whole thing.
Claude Stroud

It's the ultimate, the consummate, in broadcasting studios.
Clarence Stroud

We're all rooting for your success and happiness in your new Hollywood home.
Chase & Sanborn Orchestra

Congratulations, N.B.C., and best of luck!
Don Ameche

CONGRATULATIONS TO NBC

Jessica Dragonette

Management: Haensel & Jones, 113 West 57th Street, New York

Division: Columbia Concerts Corporation of Columbia Broadcasting System

COPY CENSORED!

But best wishes anyhow!

Bob and *Bing*

Sarnoff

The career of David Sarnoff, president of RCA, and chairman of the board of NBC, has been contemporary with the vast expansion of radio. In the upbuilding of the system of international radio communications from this country, the growth of radio broadcasting and in the application of radio to motion pictures and other industries, he has played an important part.

Sarnoff's career typifies American opportunity. Born in 1891, he was brought by his parents to America as a child, the eldest of five children. The death of his father when David Sarnoff was still in his 'teens placed the burden of family support upon the boy's shoulders. He was in turn delivery boy, news boy and messenger boy.

As a messenger he worked in the old New York *Herald* telegraph office where he built up an income of $5 a week in addition to what he made from his paper routes. Saving money, he bought a telegraph instrument and in six months learned the Morse code. In lulls between business the 15-year-old operator exchanged messages for practice with a man in the main office, who became interested. When Sarnoff confided his hope of getting a job somewhere as an assistant telegraph operator he advised him to go to the office of the Marconi-Wireless—which was doing something new in communications. The idea of flinging messages in code through space appealed to Sarnoff and he applied for a job as operator. The chief engineer offered him a place as office boy at $5.50 a week, which he accepted.

This job proved the inspiration of his career. He bought technical books and spent his weekends in the experimental shop of the Marconi Co.

BECOMES OPERATOR

At Siasconset, on Nantucket Island, Massachusetts, there was a lonely wireless station of the Marconi Co. One of its prides was a good technical library on radio. There was little to do outside working hours but read the books and that was not sufficient inducement to make it easy to keep men contented there. Sarnoff, then 17, seized a chance to go to the station as an operator at $60 a month. He remained there for two years and read all the books in the company's library, becoming a full-fledged operator with a $10 a month raise.

When he wanted to take a special electrical engineering course at Pratt Institute in Brooklyn he asked for a transfer to the company's wireless station at Sea Gate, Coney Island.

At about that time John Wanamaker decided to equip his New York and Philadelphia stores with the most powerful radio stations that could then be designed. Sarnoff asked for the New York job, with the thought that it would give him regular hours and free evenings to attend Pratt Institute. The assignment led to his first real opportunity. On April 14, 1912, he was sitting at his instrument in the Wanamaker store in New York. Leaning forward suddenly, he pressed the earphones more closely to his head. Through the sputtering and static he was hearing a message:

"S.S. Titanic ran into iceberg. Sinking fast."

TITANIC DISASTER

For the next 72 hours Sarnoff sat at his post, straining to catch every signal that might come through the air. By order of the President of the United States every other wireless station in the country was closed to stop interference.

The loss of the Titanic and the great service of radio aroused public consciousness to the importance of this new service. Congress passed a new law making much stricter the requirements regarding equipment and operators on seagoing vessels. Sarnoff became successively Chief Inspector, Assistant Chief Engineer, Assistant Traffic Manager and in 1917, Commercial Manager of the Marconi Co. In 1919, when RCA was formed, it acquired the American Marconi Co. and appointed Sarnoff commercial manager.

Sarnoff's confidence that radio had a larger future than that of a system of record communication was expressed in recommendations he made from time to time on new applications of radio. In 1915, years before the advent of broadcasting, he submitted to the general manager of Marconi his proposal for a "radio music box." The situation in the industry at that time did not permit of its adoption and the coming of the war turned attention for the time to the use of radio for war purposes, but the various suggestions in the proposal are of interest when considered in the light of how broadcasting has since developed.

CULTURAL GIFTS

In the field of radio broadcasting Sarnoff was an early believer in the importance of the new medium as a cultural and educational agency. He established the weekly "Music Appreciation Hour" under Dr. Walter Damrosch, now a regular part of the curriculum in thousands of schools throughout the United States, and arranged for grand opera to be broadcast from the stage of the New York Metropolitan Opera House, at a time when such programs were regarded as startling innovations and unlikely to attract an audience. In 1937 Sarnoff engaged Arturo Toscanini to conduct a series of ten symphonic programs over the NBC networks.

Lenox Riley Lohr

When Lenox Riley Lohr was appointed to the presidency of NBC in 1935 by David Sarnoff, his appointment occasioned complete surprise in the industry, for Lohr, an Army man, was completely devoid of broadcasting experience. It is an open secret that not many persons in the industry expected him to remain in the radio scene for any length of time, yet in his three-year stewardship of the network, Lohr early proved himself as one of the most competent executives in broadcasting ranks.

Lohr, born in Washington, D. C., directed his youthful ambitions toward the United States Army, and in 1916, upon graduation in Mechanical Engineering with honors from Cornell University, he became an officer in the Coast Artillery Corps. After taking the course at the Coast Artillery School at Fort Monroe, Virginia, he transferred to the Corps of Engineers.

COMBAT SERVICE

Before going to France in May, 1918, he attended the School of Codes and Ciphers at Riverbank Laboratory, Geneva, Illinois. Although he went overseas with the Fourth Engineers as Company Commander and Topographical Officer, upon arrival he was assigned to take the course at General Staff College at Langres. His combat service was as Adjutant of the 57th Infantry Brigade of the 29th Division. While on this duty, participating in the Meuse-Argonne defensive, he was cited for meritorious service in action and reached the rank of Major.

Following the war he studied at Claire College, Cambridge University, England.

Upon his return to the United States he was assigned first to the Office of the Chief of Engineers and then as an instructor in Electrical Engineering and International Law at the Engineer School.

From 1922 to 1929 he was Executive Secretary of the Society of American Military Engineers and editor of its journal, The Military Engineer. During this period he was a member of the Federal Board of Surveys and Maps and a member of the Commission of the War Memorial to American Engineers at Louvain, Belgium.

In 1929 he became General Manager of A Century of Progress, Chicago's International Exposition.

HEADS NBC

Following the closing of the Exposition, he became president of NBC.

He was married November 18, 1924, to Florence Josephine Wimsatt, a graduate of the Johns Hopkins University Medical School. They have three daughters and two sons.

Lohr is an Officer of the Order of Ouissam Alaouite Cherifian of Morocco and holds memberships in the American Society of Civil Engineers, Society of American Military Engineers, Washington Academy of Science, Sigma Phi Sigma and Scabbard and Blade and is a Director of The Chicago Museum of Science and Industry. He is the author of "Magazine Publishing."

Gilman

Hollywood Radio City, impressive new home of NBC programs, is a symbol of the tremendous advances that have taken place in the Western Division of NBC during the 11 years in which Don E. Gilman has headed the rad[illegible] domain that stretches today fr[illegible] Montana to Honolulu.

Always interested in the communication of ideas, by spoken or printed words, and an advertising expert of national repute, Don E. Gilman realized, when radio was just emerging from the experimental stage, that here was a medium which was ideal for the transmission of thoughts and knowledge.

Beginning his radio career as manager of NBC's western network in 1927, becoming vice-president in charge of the Western Division two years later, Gilman has worked for more than a decade to build up an organization which today serves 11 states and Hawaii through the facilities of thirty-two stations.

Realizing, as he guided the young western network, that program development was vital to listeners in his territory, Gilman pioneered the building of programs with Pacific Coast talent for western listeners.

The growing importance of Hollywood as a production center became obvious even when one employee was sufficient to maintain the NBC office. As programs moved westward, and more were developed, the modern studios on Melrose Avenue were established.

TO HOLLYWOOD

In 1937 Gilman transferred his headquarters to Hollywood. The studios there, like the entire Western Division, were becoming of greater importance to the nationwide audience every year.

With the announcement of the now completed construction of Hollywood Radio City, Gilman's faith in the Western Division of the National Broadcasting Company was justified.

The NBC vice-president, who deserves a large share of credit for the expansion of the Western Division, culminating in the completion of the new Hollywood studios, was born in Indianapolis, the son of a newspaperman. While he was still in high school he developed his own printing plant, and when he finished school he became an employee of the Indianapolis Sentinel as "printer's devil." Within a few years he was a newspaper plant superintendent.

Coming west when he was 23 years old, Gilman increased his experience by working on Pacific Coast newspapers. When he was superintendent of a group of Scripps-McRae publications, he turned definitely to advertising.

In Los Angeles, Gilman became a member of the Los Angeles Advertising Club and chairman of its Vigilance Committee. Later, in San Francisco, he was president of the Commercial Club, president of the Pacific Advertising Clubs Association, and vice-president of the Associated Advertising Clubs of the World.

GEORGE CEHANOVSKY

Baritone

METROPOLITAN OPERA

●

ATWATER KENT
GENERAL ELECTRIC
GENERAL MOTORS

Management:
NBC ARTISTS SERVICE, RCA Bldg., New York
George Engles, Director

PIERRE GENIA

LUBOSHUTZ and NEMENOFF

IN THE FOREFRONT OF THE TWO-PIANO TEAMS

A RECORD OF 60 DATES, THEIR SECOND SEASON LAST YEAR

The Press says:

"They are to be cherished as a couple empowered to delight the public ear."—New York Post, January 4, 1938

"Something to marvel at. They bid fair to rival in popularity any and all of the two-piano teams now active."—Washington Post, January 18, 1938

"What a two-piano team! In a class second to none."—Dallas Dispatch, October 27, 1937

"A great musical experience. Super pianism was enjoyed and marvelled at. Brilliant virtuosity—superlative precision of rhythm."—Richmond Times Dispatch, January 19, 1938

Management: NBC ARTISTS SERVICE • RCA BLDG. NEW YORK • GEORGE ENGLES, *Director*

Congratulations, N. B. C.

JACK BENNY and MARY LIVINGSTONE

with all good wishes

LUCILLE MANNERS

RADIO - CONCERT - STAGE
STAR OF
CITIES SERVICE CONCERT
WEAF FRIDAYS 8 P.M. E.S.T.

•

MANAGEMENT GEORGE ENGLES
NBC ARTISTS SERVICE
R.C.A. BLDG. - - - NEW YORK

FRANK J. BLACK

General Music Director

National Broadcasting Company, Inc.

FRANK HODEK

Musical Conductor

●

NBC HOLLYWOOD

RALPH BLANE

FEATURED NBC ARTIST

MARIE LOUISE QUEVLI

STAGE, RADIO, CONCERT, OPERA

VICTOR RECORDS

●

Gustave Haenschen

●

NBC in Hollywood

Hollywood Radio City consists of eight studios and a three story office building which faces west in the direction of Beverly Hills and Santa Monica. The office building is 257 feet long and houses the executive, program, production, publicity, artists' service, sales and other departments functioning behind the scenes of NBC broadcasts from Hollywood.

At the apex of a triangle—a rounded apex—on the northeast corner of Sunset and Vine—is a three story lobby which links the office building with four auditorium studios built as individual units on a modified motion picture sound stage plan, but actually linked together with glass brick walls.

The space between the auditoriums is utilized for corridors and artists' dressing rooms.

The studio side of the building, looking south toward the Pacific Ocean and facing on Sunset Boulevard, is 367 feet long, running from Vine Street to Argyle Street. A high terrace reached by a series of voluted concrete stairs runs the length of the building, covered by a marquee lighted at night with three neon tubes.

The exterior of the entire plant is done in blue green, a color chosen because it reduces the glare of the burning California sun, and blends best with the blue of the sky. The terrace wall is painted a deeper green. Its floor is of red cement, and the steps of red terra cotta tile.

The lobby interior, reached from the street through six doors, three on the Sunset and Vine Street side, and through a corridor on the north side leading to the office building, is 50 by 50 feet with a ceiling height of 40 feet. As visitors enter they are faced by a mural covering the entire curved half of the northeast wall.

STUDIO HEART

Directly under the mural is the "master" control panel of the studios, heart of the complicated maze of wiring which laces the plant. The glass fronting the room is arranged in curves so that it reflects all reflected light rays downward and traps them in a black plush pit.

The lobby floor is terrazzo designed with a series of concentric arcs representing radio waves. The arcs are white where they start at the control room and become darker as they reach the walls.

The lighting in the lobby has its origin in a concealed cove at the top of an aluminum architrave. In the daylight, sunlight is admitted through glass brick panels, running up to the ceiling over the lobby doors. Acoustic tile made of expanded mica is used on the ceiling and portions of the walls for acoustical treatment.

Visitors enter each of the four auditorium studios direct from the terrace. The first studio east of the lobby is "A," 60 by 100 feet overall, with a seating capacity of 340, and 3,000 square foot stage, capable of accommodating 1,500 standing people.

From the proscenium to the back walls Studio "A" is painted in graded values of brown. The seats are covered with a sound absorbing fabric of blue. The carpeting is copper rose. The front curtain is turquoise, the intermediate and rear curtains egg blue. The stage floor is covered with linoleum with terra cotta border, turquoise feature strip and a tan field. The auditorium lighting is of the indirect, cove type, both foot and overhead lights hidden behind V-surfaced valances that in reality are a series of flat triangles intended to scatter sound and prevent "microphone rattles."

"Mike rattle" is caused by sounds that register with the mike innumerable times as they reflect from wall to wall. To solve this problem, not only the stage ceiling but also the studio walls are broken into V'd surfaces to disperse extraneous sound. The rear wall in the studio and one-fifth of the side walls are of perforated board covering thick layers of rock wool which acts as a sound absorber.

Studios "B," "C" and "D," which range in that order east on the terrace from Studio "A," resemble "A" in everything except color schemes and in detail of design. Each seats 340 persons, and "B" and "C" are smaller in stage area, with overall dimensions of 45 by 110 feet, and program platforms of 2,000 square feet each.

WORLD'S LARGEST

The 3,000 foot platforms of "A" and "D" are the biggest in the world built for radio.

Each of the four studios has its own lobby, with lounging rooms off the lobby. Rehearsals may be watched through soundproof glass panels in the lobbies. Each studio is provided with glass-enclosed clients' rooms for use of the sponsors and their representatives. The clients' rooms, visible to the audience, overlook the stages directly over the control rooms. Like the clients' rooms, the control rooms are equipped with thick double glass windows for sound-proofing, slanted to eliminate annoying reflections of studio lights and sounds.

Two sets of stage doors for artists, writers, producers and technicians are provided in each studio, each set equipped with a "sound lock," or a chamber with double doors which permit anyone entering the stage during a broadcast to close the exterior door, shutting out outside noise before opening the studio door.

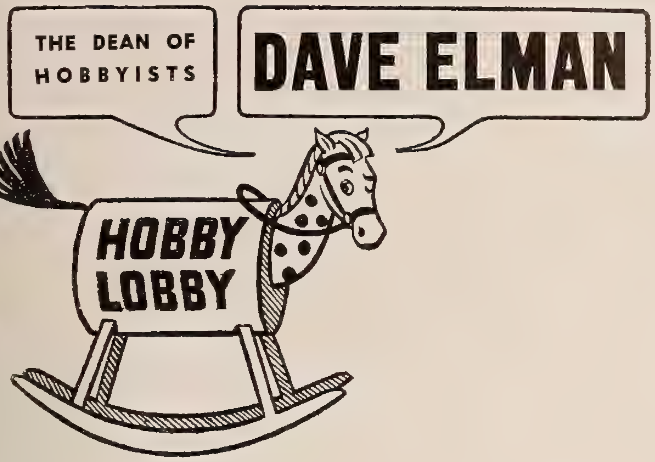
The offices on the three floors of the business building range on both sides of a wide corridor covered with a deep red linoleum. Their ceilings are finished in sound-absorbing acoustical plaster to deaden telephone and typewriter noises. Their color schemes are various. A special paneled conference room is provided for radio executives on the second floor near the office of Don E. Gilman, vice-president in charge of the western division.

Power and air conditioning machinery is located in the basement, which runs under the entire plant.

The air conditioning system, designed especially for Hollywood Radio City, controls both temperature and humidity in the studios. The air is sucked in from the outside and cooled by refrigerated water from a tank, then blown through underground tunnels into the studios. Eight complete air changes are made per hour.

A view of one of the observation rooms overlooking stages and auditoriums in NBC's new Hollywood Radio City. A sound proof glass panel enables guests to see action on stage. They hear the program by means of a loud speaker.

Studio "D", one of four large audience studios. Microphones, suspended from side walls, catch audience reaction during broadcasts. Between doors in background is an observation window through which late arrivals may watch programs.



HOBBY STORIES so fantastic they sound like fairytales—yet every word is true! Told by real men and women, not actors!

Tune in and see why critics and thousands of listeners everywhere have voted "Hobby Lobby" the best radio idea of the year.

HOBBY LOBBY

SPONSORED BY
FELS - NAPHTHA SOAP CHIPS

N.B.C., 8:30 P.M., E.S.T.
WEDNESDAY NIGHTS

Best
Wishes
To
NBC
In
Hollywood

VIRGINIA PAYNE

(MA PERKINS)

5 YEARS COAST TO COAST

The KIDOODLERS

FEATURED BY

NBC RED & BLUE NETWORKS
WARNER BROS., FOX,
UNIVERSAL, PATHE SHORTS,
MAX FLEISCHER CARTOONS

NBC ARTISTS BUREAU
SHERRY ALLEN - PERSONAL REP.

●

"ONE MAN'S FAMILY"

Written and Produced

By

CARLTON E. MORSE

●

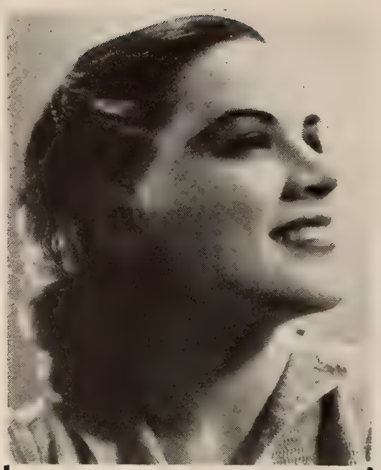
ED. LATIMER

- "Mrs. Wiggs of the Cabbage Patch"
- "Just Plain Bill"
- "David Harum"
- "Mr. Keen Tracer of Missing Persons"
- "Alias Jimmy Valentine" (with Bert Lytell)

Blackett, Sample & Hummert, Inc.
Agency

MORRIS PLAN BANK'S
- "You, the Unseen Jury" (Defense Attorney)

N B C
and CBS



PAULA DURAND

•

FEATURED NBC ARTIST

Congratulations . . .

JOLLY BILL STEINKE

"NO SCHOOL TODAY"
"JUNIOR NEWSREEL"
"JOLLY BILL AND JANE"
"NBC SANTA CLAUS"
ETC. . . . . .

●

KEN CARPENTER

NBC
Announcer

"Ry-Krisp"
"Now and Then"
"One Man's Family"
"The Gilmore Circus"
"Kraft Music Hall"

●

JEAN ELLINGTON

APPEARED ON
R.C.A. Magic Key
Kellogg's
Ford
Chevrolet
Hammerstein Music Hall

■

PARAMOUNT MUSICAL SHORTS
Heard regularly on own NBC Sustaining

SHERRY ALLEN

Personal
Representative

FOR

THE KIDOODLERS
THE KAMPUS KIDS
JANE CLIFTON
HAL GORDON

●

REMINGTON PRODUCTIONS
1585 BROADWAY, NEW YORK

CLEM McCARTHY

SPORTS COMMENTATOR

NBC SPECIAL EVENTS
PATHÉ NEWS SPORTS-VOICE
VITAPHONE SPORT SHORTS

NEWSPAPER COLUMN
KING FEATURES RELEASE

COMMENTATOR ROLE
METRO-GOLDWYN-MAYER
FEATURE PRODUCTION
"THE CROWD ROARS"

hello
there

blue

network

long about

quarter of

TED
MALONE

JACK MAC BRYDE
"The Old Ranger"
IN
DEATH VALLEY DAYS
SPONSORED BY
Pacific Coast Borax Co.
A
McCANN – ERICKSON
PRODUCTION
1930—Coast to Coast—1938

Compliments

Anne
Seymour
(Mary Marlin)

Beverley Lane
coloratura soprano
Opera - Radio - Concert

NBC Radio Rubes

Mountain, hymn, rag-time, cowboy, folk tunes. Any *old* song

RADIO
PICTURES
VAUDEVILLE

MGT.: NBC ARTISTS SERVICE
30 Rockefeller Plaza, N. Y. C.

EASY
ACES

◆

Ninth Year
on the
Air

◆

CHARMÉ
ALLEN
Characters and Dialects
Now Appearing in

- **DAVID HARUM**
- **OUR GAL SUNDAY**
- **BIG SISTER**
- **PRETTY KITTY KELLY**
- **AUNT JENNY'S REAL LIFE STORIES**

Recordings:
LANGLOIS & WENTWORTH
R.C.A. VICTOR
TRADWAYS-SLIDE FILMS
CLEVELAND B. CHASE
REEVES STUDIOS

ROSS
GRAHAM
Bass-Baritone

CITIES SERVICE CONCERT
Red Network, Fridays,
8 to 9 P.M.

FORMERLY—Maxwell House Showboat

APPEARANCES — Chevrolet, General Motors, various major programs. Concert and Opera

AVAILABLE
Management:
N.B.C. Artists Service

50,000 PROGRAMS PRODUCED YEARLY

When a radio listener snaps on the switch and tunes in one of the stations of the NBC networks, the sound which immediately pours from the receiving set represents a multitude of varied activities which never appear on the surface.

The NBC organization is made up of more than 2,000 men and women who never are heard over the air. These include, among many others, program "builders" writers, talent "scouts" and engineers, all of whom contribute to broadcasts.

As the largest organization of its kind in the world, NBC during the past year broadcast more than 50,000 separate programs. Each of these had to be arranged individually, rehearsed, timed, assigned to a studio, announced to press and public, and finally sent out over the proper, prearranged, network of stations, which had been advised of the program in advance and had replied that the program was desired for broadcasting.

When it is kept in mind that approximately 100 programs are put on the air by NBC each day, it is possible to get some idea of the complexity of network broadcasting.

The NBC program department is directly responsible for everything which goes out over the air. The department itself is divided into various parts, having to do with music, continuity, speakers, special events, production, commercial and sustaining auditions, and so forth. Other sub-divisions of the program department include the music library, which incidentally is the largest "working" library of music in the world, and the music and literary rights department, which is charged with checking every composition and script used, for possible restrictions.

TALENT PROBLEMS

One of the chief duties of the program department is to be continually on the look-out for good, new material. Auditions are held daily, for individual artists, orchestras, actors and others who believe that their future success lies in radio. This belief, in the vast majority of cases, is unfounded, but the occasional exception makes the time spent in listening to auditions well worth while. As a rule, however, only established performers are heard over the networks, those with previous professional experience of a successful nature to their credit.

The program department also arranges all "nemo" programs, those originating outside the studios. The majority of these are dance bands and orchestras, which are picked up from hotels and night clubs in various parts of the country, or addresses being delivered before public meetings.

The "Nemo" programs also include broadcasts from planes and submarines, from ringsides and football stadiums, from the floor of Congress, the world series and innumerable other places where events are occurring as the broadcasts take place.

When a program is definitely scheduled, an order is issued to that effect, and the traffic division of the station relations department informs the various stations on the designated network, giving exact time and detail of the program. These schedules are sent out to the stations over special telegraph wires, and the stations reply in the same manner as to whether they will take the program, or have previous commitments for local broadcasts. Thus the networks, consisting of leased telephone wires connecting the stations, are set up for each program, varying from one to another.

The traffic division also is responsible for providing special leased wires for all "nemo" broadcasts, to connect the point of origin of the programs with the networks. It also orders up the short-wave facilities which bring foreign programs across the oceans for re-broadcast over NBC.

ENGINEERS

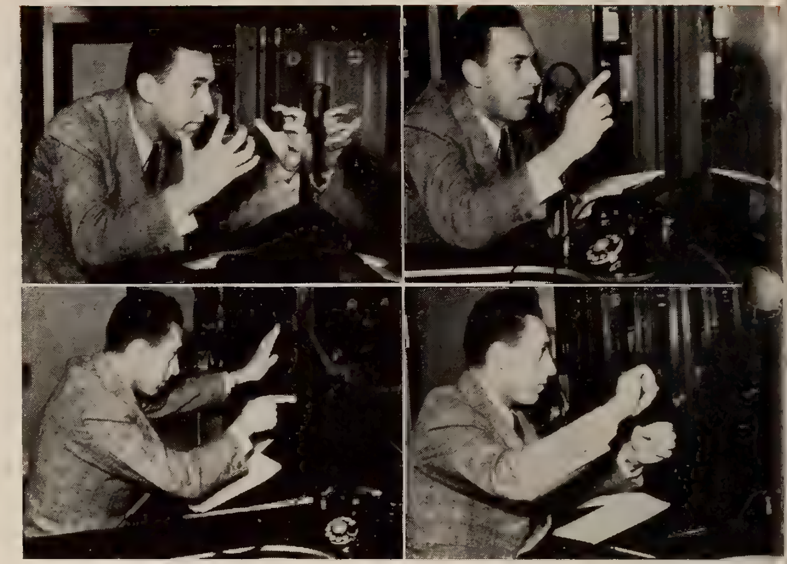
Responsibility for seeing that each program is transmitted to the proper network rests with the department of technical operations and engineering. In this department are the studio engineers and the men in the master control room. In the technical department also are the field engineers, who handle the pick-up of all "nemo" programs, the experimental engineers, who are constantly working to develop and perfect new and improved facilities, and the maintenance staff, charged with the care of all equipment. Many of these men are outstanding leaders in the field of radio engineering, and are responsible for numerous advances in broadcasting.

The departments so far described, namely program, station relations and technical operations and engineering, are those directly connected with providing and transmitting programs over the networks. Other departments of NBC are artists' service, sales, press, legal, mail and general office.

The NBC Artists' Service acts as agent for artists, orchestras, speakers and performers of all kinds, not only for radio work, but for the concert stage, vaudeville, motion pictures and private entertainments.

The mail department receives and classifies millions of letters from listeners each year. The functions of the legal and general office departments are obvious. The sales department handles the sale of time over the networks, sale of "talent" being a function of artists service.

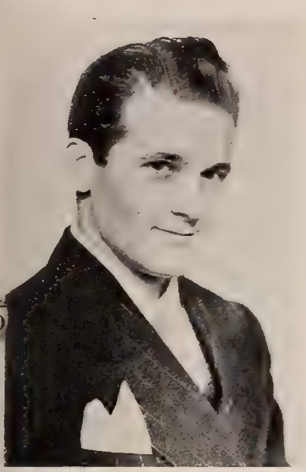
All these various elements operating smoothly as a single organization despite their widely varying duties, make up NBC, which through miles of wire provides program service to 159 stations, from the Atlantic to Hawaii, 18 hours a day the year 'round.



Bill Spier, director for the March of Time broadcasts, utilizes radio's sign language to get his idea across to the production man in the studio. The signs are to bring up orchestra, better placement, fade orchestra, cue to sound effects man.

HOLLYWOOD LOG

SUNDAY	
JELL-O PROGRAM	starring Jack Benny and Mary Livingstone, Kenny Baker, Andy Devine. Red network, 7 P.M.
CHASE & SANBORN	with Don Ameche, Nelson Eddy, Charley McCarthy-Edgar Bergen, Dorothy Lamour, Judy Canova. Red network, 8 P.M.
OUT OF THE WEST	with Vernon Osborne, Armand Gerard, George Nixon. Blue network, 8 P.M.
HOLLYWOOD PLAYHOUSE	starring Charles Boyer. Blue network, 9 P.M.
IRENE RICH PROGRAM	featuring Miss Rich. Blue network, 9:45 P.M.
MONDAY	
AMOS 'N' ANDY	Monday through Friday. Red network, 7 P.M.
AL PEARCE PROGRAM	with the Pearce "Gang." Red network, 8 P.M.
THOSE WE LOVE	dramatic sketch with Nan Grey. Blue network, 8:30 P.M.
TUESDAY	
PEPSODENT PROGRAM	starring Bob Hope, Skinnay Ennis, Jerry Colonna. Red network, 10 P.M.
JIMMY FIDLER	Red network, 10:30 P. M.
WEDNESDAY	
ONE MAN'S FAMILY	dramatic sketches. Red network, 8 P.M.
THURSDAY	
M-G-M GOOD NEWS	with Frank Morgan, Fanny Brice, Robert Young, and guests. Red network, 9 P.M.
KRAFT MUSIC HALL	with Bob Burns, Bing Crosby. Red network, 10 P.M.
FRIDAY	
JIMMY FIDLER	Red network, 7:45 P.M.
SATURDAY	
AMERICA DANCES	musical program from Hollywood. Red network, 9:30 P.M.



Congratulations NBC

I Am Proud To Be On These NBC Programs:

As "FRED" in
"ROAD OF LIFE"
As "BILL STEVENS" in
"FATHER AND SON"
As "BILLY THE KID" in
"DICK TRACY"

LAWSON ZERBE

GREETINGS
NBC
FROM

THE SWEETHEARTS OF THE AIR

MAY SINGHI BREEN
"THE UKULELE LADY"
and
PETER DE ROSE
COMPOSER PIANIST

"CALLING ALL SWEETHEARTS"
FROM COAST TO COAST

MGT. NBC ARTISTS SERVICE

John GURNEY

Bass-Baritone
Metropolitan Opera

"One remembered Chaliapin and felt that in John Gurney were the qualities that might develop a successor to that mighty Russian."—St. Louis Globe Democrat.

•

His radio appearances during the past season have included the Ford, Sealtest and Rudy Vallee Hours.

•

MGT. NBC ARTISTS SERVICE
RCA Bldg. New York

HELEN HENRY

RADIO and
CONCERT SOPRANO

under contract to NBC

Appeared with NBC Symphony

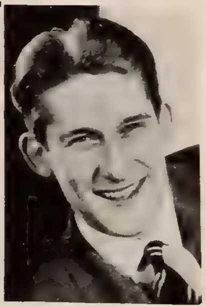
under direction of

DR. WALTER DAMROSCH
LEOPOLD SPITALNY

•

management:

NBC Artists Service



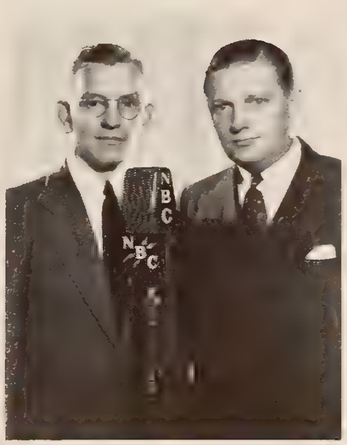
P. S. "Too Marvelous For Words" is how they describe BAILEY AXTON'S glorious tenor voice.

JEAN DICKENSON

American Album
of
Familiar Music
Sunday Nights
NBC Red Network

Formerly
HOLLYWOOD
HOTEL SERIES

VOX POP



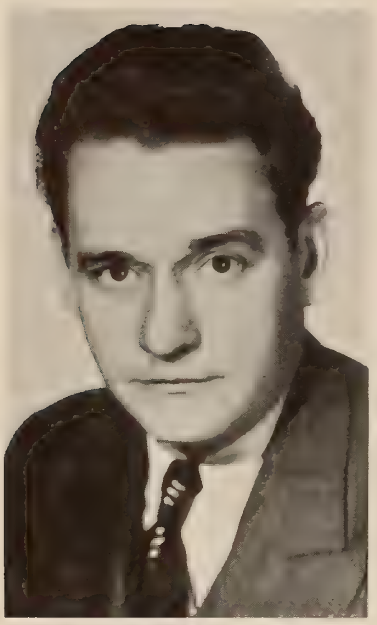
Seventh Year on the Air
Fourth Year on NBC

Radio's Original
General Interview Program

PARKS JOHNSON
and
WALLY BUTTERWORTH
New York City

AGNES MOOREHEAD

- The March of Time
- The Shadow
- Ben Bernie Show
- Mercury Theatre of the Air



Congratulations NBC

JIMMY TANSEY

FIVE YEARS

as

DANNY O'NEILL

of

THE O'NEILL'S

Management: ED WOLF

ALICE REMSEN

Writes, directs, sings and acts
on her own NBC
network shows.

CASTLES OF ROMANCE
FOUR YEARS
LAND OF MAKE-BELIEVE
THREE YEARS
TURN BACK THE CLOCK
TWO YEARS

*

Featured artist on

EVENING IN PARIS............39 weeks
ECHOES OF NEW YORK TOWN..2 years
MASTER KRAFT OIL BURNERS.21 weeks
Death Valley Days, Standard Oil
and many others

If you want a
Versatile, Reliable,
Experienced Artist

Call

ALICE REMSEN, Ravenswood 8-2636
Or NBC Artists Service, Circle 7-8300
New York

Peter Van Steeden

appearing with his
orchestras
on

TOWN HALL TONIGHT

Wednesdays at 9 P. M.

NBC-RED Network

and

FOR MEN ONLY

Tuesdays at 8:30 P. M.

NBC-RED Network

extends
best wishes to
Stations

KECH-KFI

---

6 Reasons Why!

LUCILLE LINWOOD

For Radio ● Stage ● Screen

1. Voice ● Personality ● Charm
2. Second year N.B.C. Network
3. Built Audience ● Large fan mail
4. Highly publicized
5. Seven years dramatics
6. Intimate singing style

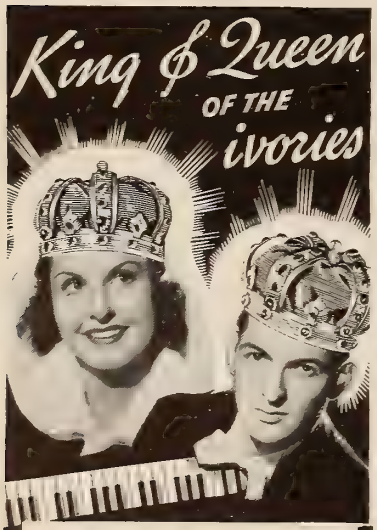
Singing her way into the hearts of millions of listeners via the N.B.C. Blue network

GUEST STARRED:

13 Weeks Town Hall Program
Hammerstein Music Hall
etc., etc.

Available for Radio, Stage, Screen

MANAGEMENT
N.B.C. ARTIST SERVICE
NEW YORK CITY



HEARD

WED.-FRI. 5:30 P. M., C. S. T.—Blue

Duo-Piano Arrangements.
Dialogue . Songs

Available as complete unit—or

GUEST ARTISTS for RADIO,
TRANSCRIPTIONS, STAGE, SCREEN

N.B.C. ARTISTS BUREAU

JUNE LYON
JERRY MARLOWE

Two Grand People at Their Two Grand Pianos

COMPLIMENTS OF

BERT HIRSCH

CONDUCTOR of

"Langworth Swing Orchestra"
"I. J. Fox Fur Trappers"
"Helen Menken Broadcast"
"Langworth Military Band"

VIOLIN SOLOIST

on the Album of Familiar Music, Singin' Sam, Pet Milk, and Pick & Pat Broadcasts

---

ELVIRA
RIOS

Mexico's Singing Star

in her own program
over
NBC-Blue Network
every
Thursday 3:30 - 3:45

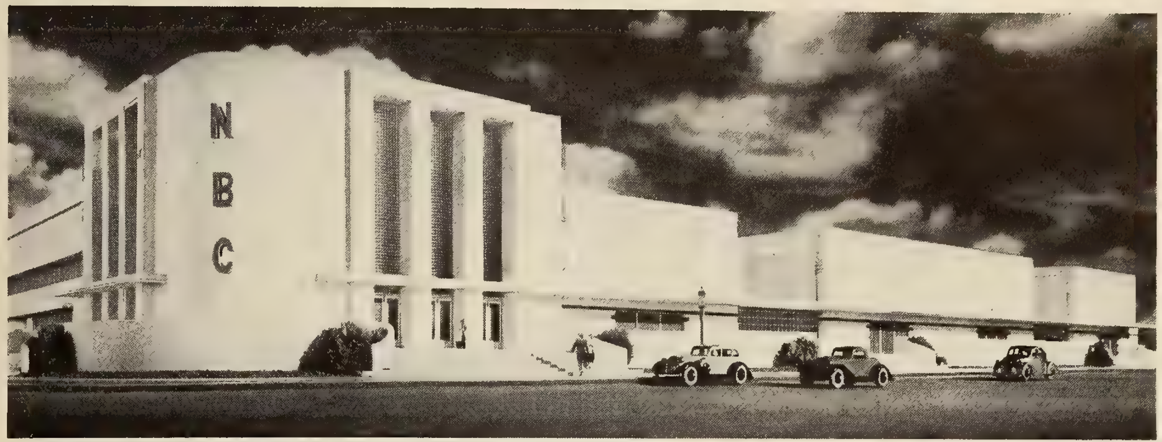
KEEP YOUR RED CROSS ALWAYS READY

RED CROSS ROLL CALL

November 11 - 24, 1938

Your memberships given NOW assure prompt Disaster Relief, help for disabled veterans, and Life Saving & First Aid training.

Motion Picture Group
NEW YORK CHAPTER
AMERICAN RED CROSS
315 Lexington Ave., New York



Congratulations NBC

It's RCA ALL THE WAY in Hollywood

RCA Victor shares with the National Broadcasting Company its pride in the new NBC studio in Hollywood. Naturally, RCA Victor is delighted that its fellow company should be progressing so notably on the Coast.

In all phases of sound reproduction and transmission, the whole country has been going RCA All The Way. In Hollywood, especially, this swing to RCA is strikingly in evidence. Witness the new NBC studios, which are completely RCA equipped. Witness the ever increasing number of RCA Victor Radios and Victor Records in Hollywood homes. And witness particularly, RCA Photophone, whose rapid rise is the talk of the movie sound business.

RCA Photophone recording is now used by many major Hollywood studios—and the RCA Photophone Magic Voice of the Screen is used for reproduction by more than 5,000 theatres from coast to coast. Proof that "RCA All The Way" means the finest in sound reproduction!

MAGIC VOICE of the SCREEN

RCA PHOTOPHONE

Listen to the Magic Key every Sunday, 2 to 3 P.M., E.S.T. on NBC Blue Network.

RCA Victor

A SERVICE OF THE RADIO CORPORATION OF AMERICA

Congratulations

M.P.T.O.A. CONVENTION DELEGATES

Superior Pan

DU PONT

Tops for Photographic Quality

Reputation for top photographic quality is no accident. Superior Pan comes by its good name, because of its proven ability to produce a good negative. It picks up the detail in shadows, and records highlights brilliantly without plugging. Its pleasing gradation gives middle and quarter tones their full value. And its color sensitivity is balanced to approach closely that of the eye.

For superb photography in your next production, rely on Du Pont Superior Pan.

Du Pont Film Manufacturing Corporation
INCORPORATED

9 Rockefeller Plaza
New York. . . . N. Y.
Plant . . Parlin, N. J.

SMITH & ALLER, LTD.
6656 Santa Monica Blvd.
Hollywood . . . California

BETTER THINGS for BETTER LIVING through CHEMISTRY

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 44. NO. 86 NEW YORK, TUESDAY, NOVEMBER 1, 1938 TEN CENTS

All Officials Reelected at MPTOA Meet

Action Precedes First Business Session

OKLAHOMA CITY, Oct. 31.—After reelection of all officers and directors at a meeting of the executive committee yesterday, the M.P.T.O.A. today settled down to hearing speeches of exhibitor and distributor leaders at the first business session.

The convention was informed of the opinion that theatres are outside the wage-hour law, news of which arrived in the form of a letter to A. Julian Brylawski.

Registration stood at 300 this afternoon with late arrivals still coming.

Today's business session began at

(*Continued on page* 4)

Williford Elected President of SMPE

DETROIT, Oct. 31.—E. Allan Williford was elected president of the Society of Motion Picture Engineers for 1939 at the opening of the organization's three-day fall convention at the Hotel Statler here today.

Other officers named were: Nathan Levinson, executive vice-president; Arthur S. Dickinson, financial vice-president; John I. Crabtree, editorial vice-president, and William C. Kunzmann, convention vice-president. J. Frank, Jr., and L. W. Davee were reelected secretary and treasurer, re-

(*Continued on page* 4)

U. S. Starts Probe Of Studio Walkout

HOLLYWOOD, Oct. 31.—Intelligence officers of the Internal Revenue Bureau, moving secretly, have launched an intensive investigation of the circumstances which ended last year's ill fated Federated Motion Picture Crafts strike.

Leaders of various labor locals, some of whom participated actively in the walkout, have been summoned to testify on the moves which ended the strike after eight weeks' duration.

The testimony is reportedly in connection with the intelligence agents' desire to trace the circumstances surrounding the reported passing of $100,000 to a labor leader.

Radio—Page 13

My Word!

"How odd!"

This was the comment of H. G. Wells in answer to a cable from the United Press which told the author of the terror which gripped thousands around the country following the broadcast of his "War of the Worlds" by Orson Welles' Mercury players over CBS.

Broadway Picks Up; "De Luxe" $20,000

Business along Broadway picked up over the weekend with crowds in town for the football games. "Service De Luxe" finished with $20,000 at the Rivoli and was followed by "The Storm." "Frankenstein" and "Dracula" at the Rialto did a second week's business of $7,000. Another mystery, "Man with 100 Faces," opened there yesterday. "Marie Antoinette" grossed $6,340 in its 11th week at the Astor and will continue there for at least two additional weeks.

A change of schedule at the Criterion will bring "Girls' School" there on Thursday instead of "Vacation from Love" and "Titans of the Deep." "Young in Heart" will follow "Young Dr. Kildare" at the Music Hall Thursday. "Men With Wings" is held over at the Paramount. "The Sisters" at the Strand will wind up a three-week run, to be succeeded by "Brother Rat" with Al Donahue and his band on the stage. "Suez" will also end a three-week run with "That Certain Age" next. "The Citadel" goes to the Capitol Thursday after two weeks for "Stablemates."

South Wales Petitions for New Film Laws

SYDNEY, Oct. 31.—Producers and exhibitors of Australia have presented a memorandum to Premier Stevens of New South Wales demanding a film commission and new legislation to govern the film industry of the state.

Beside the demand for a commission, the memorandum asks for the registration of foreign films, with a tax on their import designed to subsidize domestic production; reciprocity on quota within the Empire; control of theatre licensing; fixing of film rentals, and a standard exhibition contract.

The memorandum was signed by representatives of producer and exhibitor groups. The large majortiy of the films shown in Australia an-

(*Continued on page* 4)

Montague Will Join Chicago Conference

Abe Montague, Columbia distribution head, will attend the trade practice conferences with Allied in Chicago, starting Thursday. William F. Rodgers will arrive there from Oklahoma City, and Gradwell L. Sears may also attend.

Panic Stumps Radio Heads; F. C. C. Equally Bewildered

Confusion reigns in radio, and the lads who ply the networks are bewildered by their own terrible mistake of Sunday night. The Federal Communications Commission is nervous trying to find the proper answer for permitting such a broadcast as that which was given by Orson Welles and his Mercury Theatre of the Air on H. G. Wells' "The War of the Worlds."

Like children caught playing with fire, nobody has been able to explain away the terrific public shock over this broadcast. The tremendous propaganda machines of radio have broken down, as the public storms the gates for an answer. Whether it was just immature judgment or lack of proper supervision by the authorities has not been determined.

The dramatization, broadcast Sunday night over CBS, terrorized listeners in all sections of the country who mistook fantasy for fact and believed that an army from Mars really had taken over the earth.

Yesterday, as newspaper reporters, cameramen and newsreel crews (Universal and News of the Day) crowded CBS headquarters for followup copy and pictures, Welles and CBS officials handed out carefully phrased statements. A reading shows they did their best to explain the reason

(*Continued on page* 13)

DECIDE THEATRES OUTSIDE WAGE ACT

Attorney Gives Opinion For Andrews Subject To Courts' Review

WASHINGTON, Oct. 31.—An informal opinion that motion picture theatres are exempt from the provisions of the labor standards act has been issued by the Wage-Hour Administration, but with a warning that, in the last analysis, authoritative decisions can be issued only by the courts.

"Even though we were to assume the commerce fact," Calvert Magruder, general counsel, ruled, "it is our opinion that such employes are exempt by the provisions of Section 13 (A) (2) as employes engaged in a retail or service establishment the greater part of whose selling or servicing is in intrastate commerce."

Magruder's ruling was in the form of a letter to A. J. Brylawski, vice-president of the M.P.T.O.A.

Calling attention to the fact that the act does not confer upon the ad-

(*Continued on page* 4)

Trade Reaction to Program Is Varied

Trade reaction was varied to the Orson Welles - CBS broadcast of Sunday night. To some the incident emphasized the difference between films and radio. Whereas in films the whole play is put on the screen, in radio the play is unseen and almost everything but the dialogue left to the imagination, and sometimes even most of that. Imagination and exaggeration therefore can run wild on the radio.

To others the radio incident confirms the industry policy of avoiding controversial subjects on the screen, especially those which could create public strife.

The broadcast is compared to the wartime film "Beast of Berlin," a story of the invasion of America by the Germans.

On the other hand, an H. G. Wells' film "Things to Come," made by Alexander Korda, British producer, which was exhibited here and contained a similar theme but anonymous locale, didn't stir the b.o. much.

◂ Purely Personal ▸

AMONG New Yorkers who traveled to the Variety Club party in Pittsburgh were Ed Saunders, Bill Rodgers, Ted O'Shea and Tom Connors, of Metro; Ned Depinet, Cresson Smith and Jules Levy, of RKO; Sam Rinzler, Louis Frisch; Louis Weinberg, Rube Jackter, of Columbia; Max Cohen, Max Fellerman, Edward Peskay, Willard McKay; William Scully, of Universal; Harold Rodner, W. B.; George J. Schaefer, Harvey Day.

•

S. Sagall, managing director of Scophony in England, is due Thursday on the *Queen Mary*. He will investigate possibilities in America for the marketing of television receiving sets and transmitters.

•

Harry D. Graham, district manager for Universal, will attend the Will Rogers memorial museum dedication at Claremore, Okla., Friday, at the invitation of Gov. E. W. Marland.

•

Armand Denis, producer of "Dark Rapture," his wife, Leila Roosevelt, and their four children left New York yesterday on a two-month flying trip exploiting the picture.

•

Marc Lachmann, 20th Century-Fox exploitation director, has returned from Annapolis where he screened "Submarine Patrol."

•

Sol Midwall, cameraman formerly with Paramount and Educational, is in New York after a two-year stay in Hollywood.

•

Lucius Beebe left for the coast yesterday to act as technical adviser on Cecil B. DeMille's "Union Pacific."

•

Luise Rainer has arrived from the coast by air. She recently finished "Dramatic School" for M-G-M.

•

Bob O'Donnell, after attending the Variety Club banquet in Pittsburgh, is spending a few days here.

•

Frank C. Gilbert, chief engineer of Altec Service Corp., has gone to the coast.

•

Douglas Fairbanks, Jr.. will sail Friday on the *Queen Mary* for a vacation in London.

•

T. K. Stevenson, Erpi president, returned yesterday from Hollywood.

MITCHELL MAY, Jr.
CO., INC.
•
INSURANCE
Specializing
in requirements of the
Motion Picture Industry
75 Maiden Lane, New York
510 W. 6th St. Los Angeles

Insiders' Outlook

TRAVELING long distances, from far and wide, showmen leaders came to Pittsburgh Sunday night to see the heart in show business revealed at the 10th annual banquet of Variety Club Tent No. 1. The curtain rises once yearly on the cheerful spirit and soul of the amusement world. And the party is as much a tribute to John Harris, chairman of the Pittsburgh party, as to the entire crew who work with him in the most deserving work known. Since organized there 10 years ago, the work has spread to other parts of the country, and the nearly 1,000 men who attended the highlight Variety Club night of the year have sounded the call to form a Variety Club of New York, under the guidance of Bill Rodgers, of Metro, and George J. Schaefer, of RKO. The greatest metropolitan city of the world, home office of the amusement world, certainly will not be found wanting in this fine camaraderie of service, and good fellowship.

▼ ▼

Alexander Korda's "Drums" may gross around $850,000 in the United States and Canada, establishing a new all-time high for a British-made picture in this market. The gross compares favorably with the first run grosses of good Hollywood product. The figures are running about double those for the earlier leading British grossers in this market, such as "The Private Life of Henry VIII" and "The Ghost Goes West," which grossed approximately $525,000 each in this market, and "The Scarlet Pimpernel," which, though still being played, may reach $550,000 in this market.

Some of the grosses for "Drums" to date include a five-week total of $44,500 at the United Artists, San Francisco; $21,000 at the Elgin, Ottawa, in three weeks; $12,500 for a first week at the Apollo, Chicago; $15,600 for a first week at the Capitol, Montreal; $9,000 in two weeks at the Four Star, Los Angeles; $13,000 for a first week at the Aldine, Philadelphia; $5,700 for its first three days at the Broadway, Portland, Ore., and $7,700 for the week. It took $1,870 for its opening day at the Plaza, Stamford, which compares with $2,000 for opening day of "The Hurricane," the only picture with a one-day take of $2,000 at that house.

At the Music Hall, it did $88,000 in its first week and $82,000 for the second. The picture's total first run business to date in this market is just over the $400,000 mark. It was released one month ago.

▼ ▼

Very nearly every first run house in the metropolitan area has booked "The World Is Ours," the all-industry short subject exploiting Motion Pictures' Greatest Year, campaign headquarters reports. Exhibition of the subject will begin this week throughout the country with 1,000 prints available.

▼ ▼

H. N. Richey of Detroit has been appointed director of exhibitor relations for RKO Radio Pictures, distribution end of the RKO setup. He will serve under Ned E. Depinet, vice-president in charge of distribution.

Richey has been director of public relations for Co-Operative Theatres of Michigan. He is a former secretary of Allied Theatres of Michigan.

▼ ▼

Russell Birdwell has telegraphed that he has not resigned from Selznick International.

▼ ▼

According to Albert A. Galston, president of the Independent Theatre Owners of Southern California, the Department of Justice method for altering trade practices in the industry has been unworkable. He is a strong advocate of the conciliation board plan. A similar conciliation plan, which is now in operation to smooth grievances between the small exhibitor and the major circuits in Southern California, has proved successful, according to Galston, in no small measure due to the co-operation and support the matter has had from Spyros and Charles Skouras, who head National Theatres (Fox West Coast).

▼ ▼

More than 2,600 different advertisements were turned out during the 1937-'38 season by the 20th Century-Fox advertising department, under Charles E. McCarthy. The adsales art division turned out 284 posters, of all sizes, for the 52 releases.

S. S. Remington Passes

Cincinnati, Oct. 31.—While walking with his wife along a downtown street Saturday evening, Sanford S. Remington, 49, operator of Remington Quality Pictures, Inc., an independent exchange, collapsed from a heart attack, and died.

Zanuck to Outline Plans

Darryl F. Zanuck, 20th Century-Fox production head, will outline his 1939-'40 production plans to company district managers and sales department executives at a studio conference Dec. 15. Herman Wobber, distribution chief, will attend.

Monogram's Sales Quota $6,750,000

W. Ray Johnston, president of Monogram, is in New York after three months on the coast. The company's 1938-'39 sales quota, according to Johnston, is $6,750,000. Johnston stated that company sales are running ahead of last year by something like 500 accounts.

Johnston plans to spend most of his time on the coast, to keep close production.

The company, he stated, will have 22 features completed by Dec. 30.

Monogram has scheduled 42 features for the season.

William J. Gell, managing director of Pathe Pictures, Ltd., Monogram's affiliate in the United Kingdom, will arrive Thursday. He will be accompanied by Arthur Levy, Monogram's representative in London.

They will discuss possibilities for the production of four pictures a year in England. The distributing company will put up 50 per cent of the financing. Scott W. Dunlap, Monogram production head, is due tomorrow to sit in with Johnston in the discussions.

Copyright Talks to Be Resumed Nov. 4

Further consideration to the international copyright situation will be given by the Committee for the Study of Copyright at a second conference which has been set for Nov. 4 at Columbia University. All industries interested in copyright protection are represented on the committee and each group will submit a list of suggestions. The committee will decide which suggestions are to be forwarded to Congress with recommendations for amendments to the present law. The film industry will be represented by E. P. Kilroe, chairman of the film copyright committeee; Gabriel L. Hess, M.P.P.D.A., and Robert W. Perkins, Warners.

Retitle "Last Ride"

Hollywood, Oct. 31.—Paramount has set "Ride a Crooked Mile" as the release title of "The Last Ride."

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

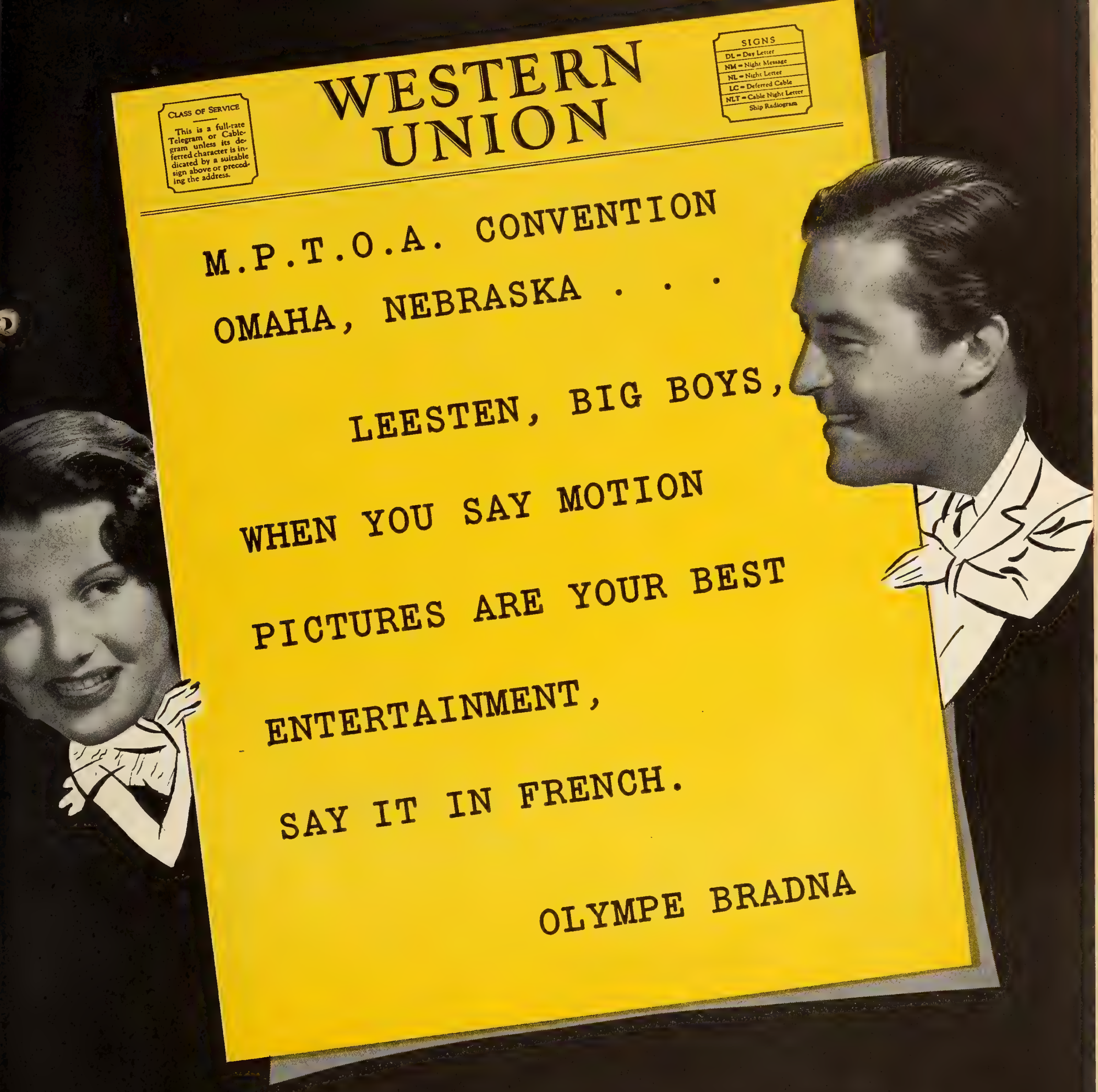
Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: Motion Picture Herald, Better Theatres, Teatro al Dia, International Motion Picture Almanac and Fame.

BUREAUS:—*Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address. Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.



CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable sign above or preceding the address.

WESTERN UNION

SIGNS
DL = Day Letter
NM = Night Message
NL = Night Letter
LC = Deferred Cable
NLT = Cable Night Letter
Ship Radiogram

M.P.T.O.A. CONVENTION
OMAHA, NEBRASKA . . .

LEESTEN, BIG BOYS,
WHEN YOU SAY MOTION
PICTURES ARE YOUR BEST
ENTERTAINMENT,
SAY IT IN FRENCH.

OLYMPE BRADNA

You'll say it's terrific . . . you'll say it's magnific . . . you'll . . .

"SAY IT IN FRENCH"

A Paramount Picture with

RAY MILLAND · OLYMPE BRADNA

Irene Hervey · Janet Beecher · Mary Carlisle · Directed by Andrew L. Stone

All Officials Reelected at MPTOA Meet

(*Continued from page* 1)

10:30. Frank A. Martin, mayor of Oklahoma City, greeted the guests. Brylawski, vice-president, responded for the organization.

Ed Kuykendall, president, read his annual report. He informed delegates of the present status of the trade practice conferences and announced that they would be resumed Nov. 7 in New York.

The afternoon was devoted to speeches by N. D. Golden, chief of the Motion Picture Division of the U. S. Department of Commerce. He spoke on the importance of the foreign market.

Harry Sherman said that if producers and directors would go out in the smaller towns and learn what the public wants, they could make pictures more profitable.

William F. Rodgers, general sales manager of M-G-M, speaks tomorrow on "Trade Relations in Distribution and Exhibition."

Other speakers this afternoon included M. A. Lightman on the importance of the exhibitors in the industry; Terry Ramsaye, editor of *Motion Picture Herald,* reminiscing on the history of the industry; Charles L. Casanave, vice-president and general manager of National Screen Accessories, Inc.; and Fred Wehrenberg, St. Louis, chairman of the board of the M.P.T.O.A.

Stars and players arriving from Hollywood today for the convention were Mickey Rooney, Brian Donlevy and the Weaver Brothers and Elviry.

Tomorrow will arrive Olivia deHavilland, Margaret Lindsay, John Wayne, Marie Wilson and Jane Bryan. Payne will function as master of ceremonies at the movie ball tomorrow evening in the Civic Auditorium when about 20 film players will make their appearance.

Other stars and players to attend include Gene Autry, Gene Austin, Zasu Pitts, Jack Hoxie and Tex Ritter.

Marionettes at MPTO

M-G-M's "Marionette Moviettes" exhibit has been routed to Oklahoma City for the duration of the M. P. T. O. A. convention. The display now has scenes from "The Citadel," "The Great Waltz" and "Sweethearts," and will have scenes from subsequent films when released. After the convention the exhibit will be taken through Kansas, Nebraska, Iowa, Wisconsin, Illinois, Indiana, Ohio and Michigan, in tieups with theatres.

"U" Buys "Lady, Lady"

Hollywood, Oct. 31.—Taking cognizance of the current fight of authorities against gambling boats operating off the California coast, Universal will soon start "Lady, Lady," story of gambling on the high seas. Helen Mack and Robert Wilcox will be featured. Irving Starr will be associate producer. Alex Gottlieb wrote the original screenplay.

Williford Elected President of SMPE

(*Continued from page* 1)

spectively. Lloyd A. Jones continues in office for another year as engineering vice-president, and R. E. Farnham, A. C. Hardy and H. Griffin as governors.

Approximately 200 technicians and film engineers are in attendance at the convention. S. K. Wolf, retiring president, opened the meeting this morning, followed by the reports of several committees.

Technical papers read at the morning session included: "Underwater Cinematography," by E. R. J. Johnson, Mechanical Improvements Corp.; "The Spectroheliokinematograph," by R. R. McMath, University of Michigan; "The Future of Commercial Motion Pictures," by F. Herman of Jam Handy Corp.

The informal luncheon today was addressed by Richard W. Reading, Mayor of Detroit; Jamison Handy, Jam Handy president; George W. Trendle, president of United Detroit Theatres, and Dr. C. F. Kettering, vice-president and director of research of General Motors.

The afternoon was devoted to a session on sound, with the following papers read to the delegates: "Some Practical Accessories for Motion Picture Sound Recording," by R. O. Strock, Eastern Service Studios; "Improving the Fidelity of Disk Records for Direct Playback," by H. J. Hasbrouck, Jr., RCA Manufacturing Co.; "Characteristics of Film-Reproducing Systems," by F. Durst and E. J. Shortt, International Projector Corp., and "Some Production Aspects of Binaural Recording for Sound Motion Pictures," by W. H. Offenhauser, Jr., and J. J. Israel.

Showing of recent features and short subjects closed the day's activities. The convention will continue tomorrow.

Governor Asks 5,000 To Rogers Ceremony

Oklahoma City, Oct. 31.—Gov. E. W. Marland of Oklahoma has sent out 5,000 invitations to the dedication of the Will Rogers memorial at Claremore on Friday.

Jesse Jones, chairman of the Reconstruction Finance Corp., will be the principal speaker at the dedication ceremonies. His address will be part of an NBC program from 2 to 2:45, in which Fred Stone, Eddie Cantor, George M. Cohan and Irvin S. Cobb will participate. Jo Davidson, American sculptor, will unveil his statue of Rogers. Stage hands have donated their services for the pageant which will be part of the ceremonies.

Alabama to Rule on Bingo Game Legality

Mobile, Oct. 31.—Alabama's attorney general has been asked to rule on whether Bingo at places of amusement is legal, following a controversy and condemnation of the games by church groups.

Methodist and Baptist organizations condemned the games and urged the Governor to halt them. The matter was referred to the attorney general.

Robeson Acts Again

London, Oct. 31. — Paul Robeson plans to abandon his concert work in favor of film and variety work. In addition to his variety work, the Negro actor intends to make films depicting the real life of the modern Negro. He will play in a British semi-documentary film with a Welsh background.

Republic Lines Up Sales Drive Detail

Finishing touches were put on plans for a Republic sales drive for James R. Grainger at a meeting of district sales managers held yesterday at the New York Athletic Club. It will start Nov. 7 and continue through Dec. 17.

Among those present at the meeting were: Jack Bellman, eastern district sales manager; Harry LaVine, central division; Heck Everett, southern division; Max Roth, midwest division; Grover Parsons, western division, and Clair Hilgers, special representative in the sales department.

Grainger presided. H. J. Yates, Morris Goodman, vice-president in charge of foreign sales, and Grover Schaefer, vice-president and treasurer, also were present.

Union and CEA Near Agreement on Wages

London, Oct. 31.—Agreement is expected soon between the National Association of Theatrical and Kine Employes and the London and Home Counties Branch of the Cinematograph Exhibitors' Association on a new wage-hour schedule.

Draft of the agreement drawn up provides for an improvement in working conditions and full recognition of the union. A six-day week of 50 hours, double pay for overtime and a week's vacation with pay are among the provisions. It is believed the agreement may serve as a model for any national agreement sought in the future between the labor organization and the C.E.A.

Six New Films Are Approved by Legion

The National Legion of Decency has approved six new pictures for the current week, four for general patronage and two for adults. The new films and their classification follow.

Class A-1, Unobjectionable for General Patronage—"Annabel Takes a Tour," "Fight to Fame," "Men With Wings," "Where the Buffalo Roam." Class A-2, Unobjectionable for Adults —"Flight Into Darkness" (French), "Illegal Traffic."

Remodel in White Plains

Loew's is completing modernization of the State, White Plains, at a cost of $100,000. Changes are being made to the interior and front, with 300 seats added to the capacity.

Bannon Building House

Tom Bannon and Murray Ginsberg are building a theatre in Burlington, N. J.

Theatres Held Outside Terms Of Wages Law

(*Continued from page* 1)

ministrator any general power to issue rulings as to the status of industries or jobs and that such classifications must be developed by the courts, the general counsel express the opinion that it is "very doubtfu whether employes of theatres, not connected with the interstate distribution of films, "can be regarded as engaged in commerce or in the protection of goods for commerce."

However, Magruder warned, this and similar opinions are merely for the guidance of the administrator, unless and until he is directed otherwise by authoritative rulings of the courts, and is made with those reservations.

Seek New Film Laws For New South Wales

(*Continued from page* 1)

nually comes from the United States, while domestic production is almost negligible. Attempts to put the New South Wales quota into practice have failed because of the small amount of production in Australia. The quota percentages were reduced last year to provide greater effectiveness, but without much success.

KEEP YOUR
RED CROSS
ALWAYS READY

RED CROSS ROLL CALL
Nov. 11-24, 1938

Your memberships given now assure prompt disaster relief, help for disabled veterans, and life saving and first aid training.

Motion Picture Group
W. G. Van Schmus, Chairman

NEW YORK CHAPTER
AMERICAN RED CROSS

315 Lexington Ave., New York

"King" with $41,000 Top Chicago Draw

CHICAGO, Oct. 31.—"If I Were King" got a royal reception at the Chicago and led the Loop with $41,000.

"Dracula" and "Frankenstein" at the Garrick gave that theatre the best business in over a year, $9,200.

"Too Hot to Handle" was another smash attraction, getting $15,300 at the Roosevelt. "Drums" was in the big money, netting the Apollo $7,800.

Estimated takings for the week ending Oct. 25-28:

"Drums" (U. A.)
APOLLO—(1,400) (35c-55c-65c) 7 days. Gross: $7,800. (Average, $6,500)

"If I Were King" (Para.)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Orrin Tucker & Band. Gross: $41,000. (Average, $32,000)

"That Certain Age" (Univ.)
PALACE—(2,500) (35c-55c-75c) 7 days, 2nd week. Stage: Chester Hale Girls and Revue. Gross: $18,000. (Average, $19,000)

"Girls' School" (Col.)
STATE-LAKE—(2,776) (20c-30c-40c), 7 days. Stage: Verne Buck and Revue. Gross: $12,400. (Average, $13,000)

"Dracula" (Univ.)
"Frankenstein" (Univ.)
GARRICK—(900), (30c-40c-50c), 7 days. Gross: $9,200. (Average, $6,500)

"Too Hot To Handle" (M-G-M)
ROOSEVELT—(1,300) (35c-55c-75c) 7 days. Gross: $15,300. (Average, $11,000)

"Boys Town" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days, 3rd week. Gross: $14,400. (Average, $15,000)

Snyder Appeal Allowed

Federal Judge Samuel J. Mandelbaum yesterday signed an order permitting Philip J. Snyder, a creditor of Orpheum Circuit, Inc., to appeal to the U. S. Circuit Court of Appeals from a decision of Judge Mandelbaum, allowing Marcus Heiman, as trustee in bankruptcy of Orpheum, commissions of $5,500 and Beekman, Bogue, Leake, Stephens & Black, attorneys for Heiman, $20,000 in fees.

Snyder is appealing because he claims that the allowances were excessive, that no substantial services were performed by the trustee, and that errors in the admission of evidence were committed in the hearing for the allowances.

Attend Mexican Premiere

William Rowland, Thomas Moore and Ralph Perr left New York by plane yesterday for Mexico City to attend the opening there of their Spanish language production, "Di Que Me Quires," which is being distributed by RKO.

To Honor D. S. Davidson

CLEVELAND, Oct. 31.—David S. Davidson, 20th Century-Fox salesman here, will be honored at a testimonial dinner here Friday night. After 21 years with the company, he is retiring because of ill health.

"Blacksmith" to Open

"The Singing Blacksmith," all-Yiddish musical starring Moishe Oysher, will open today at the Continental.

Hollywood Preview

"Illegal Traffic"

(*Paramount*)

HOLLYWOOD, Oct. 31.—"Illegal Traffic" is action all the way through. Although the story adopts the familiar under cover policeman in conflict with the pseudo-respectable business man criminal premise, it lacks neither novelty nor originality. Played by a group of actors who know what to do with the ball when they get it, with J. Carroll Naish, Robert Preston, Mary Carlisle, Judith Barrett, Larry Crabbe, Pierre Watkin and George McKay being especially effective, the story moves rapidly and balances action and dialogue. The half dozen or more minor conflict sequences lead logically into the exciting chase finale.

Naish operates a nationwide transportation system, ostensibly engaged in legitimate business but which actually specializes in helping criminals escape from the law. The police are vaguely suspicious of Naish's business, but until Preston joins up as an undercover worker, are unable to do anything about it. As some sequences are given over to romance concerning Preston and Miss Carlisle who does not know her father, McKay, is involved with Naish, the picture returns to melodrama to bring about the climax. In that Miss Carlisle cooperates with Preston in setting a trap for Naish. That has Preston in a plane chasing Naish and his gang fleeing in autos with Preston landing to block the road and capturing the criminal after a gun battle.

The original screenplay by Robert Yost, Lewis Foster and Stuart Anthony stresses action and excitement, qualities which Louis King also accented by his directing technique. Associate Producer William C. Thomas gave the picture picturesque staging. Not only the action fans, but general run of patronage should find "Illegal Traffic" interesting entertainment.

Running time, 65 minutes. "G."* G. McC.

*"*G*" *denotes general audience classification.*

Indiana Theatre Men Start Session Today

INDIANAPOLIS, Oct. 31.—Varied topics are scheduled for discussion at the two-day 12th annual convention of the Associated Theatre Owners of Indiana at the Antlers Hotel tomorrow and Wednesday. Among the subjects are block booking, playdates, guaranteed percentages, overbuying, clearance, score charges, weekly shorts payment plan, the forcing of shorts, radio competition and national advertising.

Abram F. Myers, Allied general counsel, is scheduled to talk at the Wednesday afternoon session on "Progress of Allied."

A new board of directors will be named tomorrow afternoon. The board will elect the officers. In the evening "Men with Wings" will be screened. The annual dinner will be held tomorrow night, with an entertainment program also scheduled.

Principal Stay Issued

An injunction issued by Justice Valente in N. Y. Supreme Court was served yesterday on Principal Film Exchanges, Inc., by Oliphant & Lerman, attorneys for Superior and Stage & Screen Productions.

The papers ask the appointment of a receiver to secure an accounting of receipts on and stop further distribution of 12 pictures. The injunction will be argued tomorrow before Justice Valente.

Wilson Leaves Principal

Jerry Wilson yesterday resigned as manager of Principal Film Exchange. He has acquired a half interest in the Advance Film Exchange which he will operate jointly with Emil Rosenbaum, who is president and secretary. Wilson is vice-president and treasurer.

Warners Allowed to Question Chadwick

Application for commissions to issue in Los Angeles to take the testimony of I. E. Chadwick, as president of Chadwick Pictures Corp., and of Jerome Storm, director, was granted yesterday by N. Y. Supreme Court Justice Philip J. McCook. The testimony will be taken in behalf of Warner Bros. Pictures, Inc., Warner Bros. Production Corp. and M. Witmark & Sons, Inc., defendants in a suit for $250,000 damages, an injunction and an accounting of the profits of "Sweet Adeline," brought by Harry Armstrong and Richard H. Gerard, who charge copyright infringement.

Defendants will seek to prove that Chadwick Pictures produced a picture of the same title some years back.

Set Fees in RKO Case

Allowances of $3,500 to Price, Waterhouse & Co. for examination of the books of RKO and of $2,000 to Wickes, Neilson & Riddell, as attorneys for Alfred West, were granted yesterday by Federal Judge William Bondy. Price, Waterhouse was compensated for preparation of a balance sheet of RKO and its subsidiary companies, as of Dec. 31, 1937. Wickes, Neilson & Riddell was awarded its fee for representing West, who filed the original receivership suit against RKO on Jan. 23, 1933.

Plan 42nd St. House

Plans have been drawn for a 862-seat theatre to replace the Drake's restaurant property at 121 West 42nd St., through to 43rd St. Cost will be about $85,000. A major circuit is negotiating a lease on the property. It will be operated as a subsequent run.

"Certain Age" Sets Up New Frisco Mark

SAN FRANCISCO, Oct. 31.—"That Certain Age" and "Personal Secretary" hit a new high of $16,000 at the Orpheum. Business generally picked up.

"Mr. Doodle Kicks Off," with Gypsy Rose Lee on the stage at the Golden Gate, pulled $18,800. "If I Were king," with "Always in Trouble," was strong with $15,500 at the Paramount. "Drums" ended five weeks at the United Artists with $5,500.

Estimated takings for the week ending Oct. 25-28:

"Mr. Doodle Kicks Off" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days. Stage: Vaudeville. Gross: $18,800. (Average, $16,000)

"Drums" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c-65c) 7 days, 5th week. Gross: $5,500. (Average, $7,000)

"That Certain Age" (Univ.)
"Personal Secretary" (Univ.)
ORPHEUM—(2,440) (15c-35c-40c-55c) 7 days. Gross: $16,100. (Average, $8,500)

"If I Were King" (Para.)
"Always In Trouble" (20th-Fox)
PARAMOUNT—(2,740) (15c-35c-40c-55c-75c) 7 days. Gross: $15,500. (Average, $13,000)

"Sing You Sinners" (Para.)
"Girls on Probation" (W. B.)
FOX—(5,000) (15c-35c-40c-55c-75c) 7 days, 2nd week. Gross: $14,000. (Average, $17,000)

"Boys Town" (M-G-M)
"Vacation from Love" (M-G-M)
ST. FRANCIS—(1,400) (15c-35c-40c-55c-75c) 7 days, 4th week. Gross: $7,200. (Average, $7,000)

"The Arkansas Traveler" (Para.)
"Touchdown Army" (Para.)
WARFIELD—(2,680) (15c-35c-40c-55c-75c) 7 days. Gross: $11,500. (Average, $13,000)

"South Riding" (U. A.)
CLAY—(400) (15c-35c-40c) 7 days, 2nd week. Gross: $900. (Average, $1,300)

"Moonlight Sonata" (U. A.)
LARKIN—(390) (15c-35c-40c) 7 days. Gross: $1,300.

U. A. Files Plea for Trust Suit Details

United Artists Corp., in behalf of itself and its subsidiaries and personnel, yesterday filed notice of application on Nov. 1 for a bill of particulars and a more definite statement of the Government complaint in its anti-trust suit against the eight major companies.

United Artists also filed application for an order striking out certain parts of the complaint on the ground that they do not apply to it.

Roxy Fee Hearing Set

Federal Judge Francis G. Caffey yesterday set Nov. 18 at 2 P.M. in Room 1505 of the Federal Court House for a hearing of applications by Barrow, Wade, Guthrie & Co. for fees of $2,555 as auditors of the Roxy Theatres Corp., and the Manufacturers Trust Co. for $7,147 as compensation for its services as agents for the distribution of the first mortgage four per cent bonds of Roxy. Howard Cullman, as trustee, will seek a direction from Judge Caffey at the hearing to turn over any balance remaining in his hands to Manufacturers Trust Co. for distribution among the first mortgage 6¼ per cent gold bond holders.

DOUBLED

DOUBLED STAR STRENGTH!

DOUBLED

DOUBLED F

DOUBLED

DOUBLED PLAYING-TIM

Errol F

Bet

T

It's Proving Everything the Papers Said!

"A beautifully told love story. A splendid script. Fine and knowing direction. Unusual performances contributed by the entire cast. A film brilliantly done. In short, here's a swell picture."
—N.Y. World-Telegram

What A Story It Is!

The SISTERS
a novel by MYRON BRINIG
FARRAR & RINEHART

What A Picture It Made!

WARNER BROS.
Producers

DRAW!

VERYWHERE!

ynn

and

te Davis

in

he Sisters

with

ITA LOUISE · IAN HUNTER · DONALD CRISP · BEULAH BONDI · JANE BRYAN
ALAN HALE · DICK FORAN · HENRY TRAVERS · PATRIC KNOWLES

An ANATOLE LITVAK PRODUCTION

From the Novel by MYRON BRINIG · Screen Play by Milton Krims · Music by Max Steiner

THE POLICY OF "THE FRIENDLY COMPANY"

IT IS neither fitting nor becoming for Metro-Goldwyn-Mayer to parade in the public prints the kindly and complimentary words which are being showered upon it in communications from our customers, and editorially in the trade press.

THE PURPOSE of this advertisement is to register deep gratitude to our exhibitor friends for their faith and support.

AS THIS new season proceeds on its way it has been convincingly demonstrated by early renewal of contracts that our customers of the past year were more than satisfied with our merchandise and our methods.

TO THEM and to new M-G-M exhibitors we re-affirm our belief that successful operation is built on the confidence and support of happy customers! That is the essential of a profitable partnership and our appreciation of it is expressed in the fair policy of a friendly company.

(continued above)

(continued)

YOUR FAITH in M-G-M's product has been answered again this season by a consistent supply of splendid entertainments.

YOUR FAITH in M-G-M's sincere selling methods has been fulfilled this year too, as it was last season, in a reasonable and fair allocation of pictures.

YOUR FAITH in a rosy future for your theatre is amply fortified by M-G-M's Fall and Winter production activities.

MONTHS AGO Metro-Goldwyn-Mayer set its plans for a 1938-39 season that would entail the largest outlay of production money which this company has ever expended.

ONLY M-G-M with its vast reservoir of talents and story materials and its ability to take chances could do this.

WITH BOOM conditions evident in America, the foresight of M-G-M in being prepared with "A" attractions for "A" times is added confirmation to customers of many years that true security rests in an M-G-M contract.

IN A sentimental business we take the liberty of a heartfelt salutation:

"WE ARE grateful to you who have made our success possible."

A

MOTION PICTURE DAILY'S HANDY BOOKING CHART

[*Dates Are Based Upon National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After the Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action*]

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS	G. B.
Sept. 30	You Can't Take It With You (G) (C) *Jean Arthur* Girls' School	Vacation from Love (G) (C) *Florence Rice* (905)	Mr. Wong, Detective (G) (D) *Karloff*	King of Alcatraz (A) (D) *J. Carroll Naish* (3804)	Down in "Arkansaw" (G) (D) *Weaver Bros. Pinky Tomlin*	Room Service (A) (C) *Marx Brothers* (901)	Straight, Place and Show (G) (C) *Ritz Bros.* (911)	Drums (G) (D) *Raymond Massey Sabu*	Youth Takes a Fling (G) (C) *Joel McCrea Andrea Leeds*	Garden of the Moon (G) (M) *Pat O'Brien Lindsay*	Man with 100 Faces *Tom Walls* (Oct. 1)
Oct. 7	Crime Takes a Holiday (G) (D) West of the Sante Fe (O)	Stablemates (G) (D) *Wallace Beery Mickey Rooney* (906)	Sweetheart of Sigma Chi (reissue) *Mary Carlisle*	Touchdown, Army (G) (C) *Mary Carlisle* (3805)	The Night Hawk (G) (D) *Robt. Livingston June Travis Robt. Armstrong*	Mr. Doodle Kicks Off (G) (C) *Joe Penner* (904)	Meet the Girls *June Lang Lynn Bari* (910)		That Certain Age (G) (C) *Durbin Jackie Cooper*	Broadway Musketeers (A) (D) *Lindsay Marie Wilson*	The Lady Vanishes (G) (C) *Margaret Lockwood Paul Lukas* (Nov. 1)
Oct. 14	Flight to Fame Below the Rio (O) *Buck Jones*	Young Dr. Kildare (G) (D) *Lew Ayres Lionel Barrymore*	Where the Buffalo Roam (G) (O) *Tex Ritter*	Arkansas Traveler (G) (C) *Bob Burns Mary Carlisle* (3806)		A Man to Remember (G) (D) *Anne Shirley* (905)	Five of a Kind (G) (C) *Dionne Quintuplets*	There Goes My Heart (G) (C) *Fredric March Virginia Bruce*	Swing That Cheer *Tom Brown Andy Devine*	The Sisters (G) (D) *Bette Davis Errol Flynn Anita Louise*	The Frog *Noah Beery Gordon Harker* (Nov. 15)
Oct. 21	Homicide Bureau *Bruce Cabot Rita Hayworth*	Listen, Darling (G) (C) *Bartholomew Judy Garland* (904)		Mysterious Rider (G) (O) (3807)		The Mad Miss Manton (G) (C) *Stanwyck Fonda* (906)	Mysterious Mr. Moto (G) (D) *Peter Lorre* (912)		Service De Luxe (G) (C) *Constance Bennett Vincent Price*	Girls on Probation (D) *Ronald Reagan Jane Bryan*	Climbing High (M) *Jessie Matthews Michael Redgrave* (Dec. 1)
Oct. 28		The Citadel (G) (D) *Robert Donat Rosalind Russell* (909)		Escape from Leavenworth *Tamiroff Farmer Erikson*	I Stand Accused (G) (D) *Robt. Cummings Helen Mack*	Tarnished Angel (G) (D) *Eilers Ann Miller*	Suez (G) (D) *Tyrone Power Loretta Young Annabella*		The Storm *Bickford MacLane Foster Nan Grey*	Brother Rat (G) (C) *Wayne Morris Priscilla Lane*	G. N.
Nov. 4	In Early Arizona *Bill Elliott Dorothy Gulliver*	The Great Waltz *Luise Rainer Fernand Gravet Miliza Korjus* (908)	Gangster's Boy *Jackie Cooper*	Men With Wings (G) (D) *MacMurray* Illegal Traffic	Rhythm of the Saddle (O) *Gene Autry*	Lawless Valley (O) *George O'Brien*	Always in Trouble (G) (C) *Jane Withers Jean Rogers Arthur Treacher*	The Young in Heart *Gaynor Fairbanks, Jr. Goddard*	Exposed *Glenda Farrell Otto Kruger* Prairie Justice (O)	Hard to Get (G) (C) *Dick Powell de Havilland*	Dangerous Secrets *Paul Lukas* (Sept. 30)
Nov. 11	Adventure in Sahara *Paul Kelly Lorna Gray*	Spring Madness *Lew Ayres Burgess Meredith O'Sullivan*	Gun Packer (O) *Jack Randall*	If I Were King (G) (D) *Colman Rathbone*	Storm Over Bengal *Patric Knowles Rochelle Hudson*	Annabel Takes a Tour (G) (C) *Oakie Lucille Ball*	Just Around the Corner *Shirley Temple Charles Farrell*		His Exciting Night (C) *Charles Ruggles Ona Munson*	Torchy Gets Her Man (G) (D) *Glenda Farrell MacLane*	Shadows Over Shanghai (G) (D) *James Dunn Ralph Morgan* (Oct. 14)
Nov. 18	There's That Woman Again *Melvyn Douglas Virginia Bruce*	Out West with the Hardys *Lewis Stone Mickey Rooney*	Gang Bullets *Anne Nagel*	Thanks for the Memory *Bob Hope Shirley Ross Butterworth*	Santa Fe Stampede (O) *3 Mesquiteers*	Law West of Tombstone *Harry Carey Jean Rouverol*	Sharpshooters (G) (D) *Brian Donlevy Lynn Bari*	Cowboy and the Lady *Cooper Oberon*	Strange Faces *Dorothea Kent Frank Jenks Andy Devine*	Nancy Drew, Detective *Bonita Granville John Litel*	Frontier Scout (O) *George Houston* (Oct. 21)
Nov. 25		The Shining Hour *Crawford Sullavan Douglas*	Roll, Wagons Roll (O) *Tex Ritter*	Arrest Bulldog Drummond *John Howard Heather Angel*	Western Jamboree (O) *Gene Autry Smiley Burnette*	Peck's Bad Boy at the Circus *Tom Kelly Ann Gillis*	Submarine Patrol *Richard Green Nancy Kelly Preston Foster*		Little Tough Guys in Society *Boland Auer Horton*	Angels with Dirty Faces (G) (D) *Cagney O'Brien "Dead End" Kids*	Cipher Bureau (G) (D) *Joan Woodbury Leon Ames* (Oct. 28)
Dec. 2	Blondie *Penny Singleton Arthur Lake*	Flirting with Fate *Joe E. Brown Leo Carrillo*			Come On, Rangers (O) *Roy Rogers Mary Hart*	Trailer Romance (Tentative) *Lucille Ball James Ellison*	Road Demon *Henry Arthur Joan Valerie Henry Armetta*		West Side Miracle *Helen Mack Edmund Lowe*		Sunset Strip Case *Sally Rand* (Nov. 5)

'SUEZ' OPENED OVER THE WEEK-END IN 35 IMPORTANT SPOTS, AND IN EVERY ONE OF THEM IT

SURPASSED THE RECORD OF 'IN OLD CHICAGO'!

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

Radio Personals

TOMMY TAYLOR, WNEW, has graduated to the networks with a berth on the "Rhythm School" on NBC . . . Anne Hirst, *New York Post* writer on love problems, will be featured in a new three-times weekly series "My Daughter [illegible] I" over WHN . . . Dick Bal[illegible]s orchestra has joined Consolidated Radio Artists . . . Arthur Gillette, WCKY engineer, is visiting New York looking over new radio equipment . . . Rex Ingram and Frank Wilson will be featured in "Into the Light," a special dramatization to be heard on Mutual Nov. 6 at 2:30 P.M.

Zenith Head Claims Television Not Here

CHICAGO, Oct. 31.—In the face of recent optimism that television is here at last, E. F. McDonald, president of Zenith Radio Corp., states in a letter to stockholders that the time has not yet arrived to "sell television to the American people.

McDonald said his letter was prompted by inquiries resulting from a recent prediction that television receivers would be on the market by next spring.

"There are many technical problems which are still unsolved," stated McDonald. "The economic problems which must be settled before the public should be asked to buy television receivers are no less serious. In order to furnish television programs to purchasers of television sets throughout the country it will be necessary to construct more than 2,000 television transmitting stations. Therefore, I still feel that general use of television in the home is just around the corner for the stock salesman only."

Issue Radio Clippings

WASHINGTON, Oct. 31.—A booklet containing the pertinent radio news clippings of the past year has been forwarded to each member of the N.A.B.

Expresses Regret

Washington, Oct. 31.—Neville Miller, president of the National Association of Broadcasters, had this to say about the Orson Welles broadcast:

"I know that the Columbia Broadcasting System and those of us in radio have only the most profound regret that the composure of many of our fellow citizens was disturbed last night by the vivid Orsen Welles broadcast.

"CBS has taken immediate steps to insure that such program technique will not be used again. This instance emphasizes the responsibility we assume in the use of radio and renews our determination to fulfill to the highest degree our obligation to the public."

Boice Joins Benton As a Vice-President

Hugh K. Boice, who recently resigned as CBS vice-president in charge of sales, has joined Benton & Bowles as vice-president.

No specific mention is made of what Boice's activities will be, although it is presumed that he will specialize in new business for the agency.

Crowell Renews Show

Crowell Publishing Co., for the *Woman's Home Companion*, has renewed "Shopping with Jean Abbey" over WOR beginning Nov. 14. The contract is through McCann-Erickson.

Nominate Cantor as President of AFRA

Eddie Cantor has been proposed for president of the American Federation of Radio Artists by the nominating committee, in preparation for the annual convention in St. Louis Nov. 14. Other names proposed are Lawrence Tibbett, Norman Field, Jascha Heifetz and James Wallington, vice-presidents; Lucille Wall, recording secretary; George Heller, treasurer; Bill Adams, Edward Arnold, Phil Baker, Edgar Bergen, Frank Chapman, Everett Clark, Georgia Fifield, Ben Grauer, John B. Hughes, Alex McKee, Anne Seymour, Margaret Speaks, Wallington, Richard Wells and Ned Wever, members of the national board.

Panic Stumps Radio Heads; F. C. C. Equally Bewildered

(*Continued from page* 1)

for the mass hysteria which flared across the land as an aftermath to the broadcast. Their combined explanations, however, boil down to the succinct phrase of H. G. Wells. Odd, they said in effect . . . and almost beyond explanation.

Welles, surrounded by newsmen, for almost two hours scratched his plentiful hair at each request for an explanation for the panic caused by the broadcast, but he was unable to give an answer other than the one contained in his handout. And the very first paragraph in the statement read, "I am even more bewildered over this misunderstanding in the light of an analysis of the broadcast itself."

CBS tried to explain that the alarm might have been caused by using the technique of a simulated news broadcast within the dramatization, for W. B. Lewis, CBS vice-president in charge of programs, has ordered that hereafter this technique shall not be used again.

Calls Flooded WABC

Expressing regret that listeners were terrorized and mistook fantasy for fact because of the manner of presentation, Lewis said that announcements were made before, after, and twice during the hour that CBS was presenting a dramatized version of the Wells' fictional novel of the invasion of this world by the planet Mars. Further announcements that the whole incident was fiction were put on the network when telephone calls showed some listeners had failed to realize that they were hearing a play, he said.

The terror engendered by the broadcast was very real and not fanciful, like the play, which is based on the conquest of the earth by an invasion of an army from Mars. WABC, Columbia key station in New York, was flooded by more than 1,300 telephone calls Sunday night. Practically every CBS station carrying the program received almost as many calls, with the record number coming into the switchboards of WCAU, Philadelphia, with a count of more than 4,000 calls. NBC in New York, which did not carry the broadcast, received more than 700 telephone calls from alarmed persons who heard the broadcast on the rival chain.

Newspaper offices in New York were also flooded with telephone calls, each paper reporting receipt of several thousand messages.

The competitive networks would not offer comment about the broadcast, for as one official at a rival network said, it might easily have been presented by any of the webs.

William D. Geer, "March of Time" executive, stated that it was "very fortunate that Congress is not in session at this time" in view of the pending censorship legislation. He pointed out that Welles had his first radio part with the "March of Time" program. Listeners to the latter program have occasionally taken the broadcasts too seriously. While reports have been received that listeners have fainted during broadcasts, particularly during reenactments of surgical operations, the letters have invariably praised the realism of the program and no complaints have been received. Geer stated that he believed that the F. C. C. could handle the matter and that he regarded additional legislation unlikely and unnecessary.

McNinch Asks for Script

Chairman Frank R. McNinch of the Federal Communications Commission, from Washington called upon CBS to furnish a copy of the script and a transcription of the program.

Members of the commission agreed that the program was subject to criticism, but it is not believed that Columbia, or any of the participating stations, will be penalized, the general view being that the feature was an honest effort to provide gripping melodrama, which had "backfired."

There is little doubt, however, that the incident will lead to the development of a policy barring the recurrence of the event which, incidentally, closely paralleled a similar occurrence in England a few years ago.

"Any broadcast that creates such general panic and fear as this is reported to have done, is, to say the least, regrettable," Chairman McNinch declared.

"The widespread public reaction to this broadcast, as indicated by the press, is another demonstration of the power and force of radio and points out again the serious public responsibility of those who are licensed to operate stations."

FCC Studies Indecent Show Jurisdiction

WASHINGTON, Oct. 31.—A comprehensive study of the provisions of the Communications Act of 1934, to determine the extent of the authority and jurisdiction of the Federal Communications Commission to deal with lottery, obscene, indecent, profane and other undesirable programs, has been undertaken by the F.C.C., which some weeks ago cited a number of stations for the alleged transmission of such programs.

Directing the law department to make the study, the commission also instructed the acting general counsel to confer with Department of Justice officials with a view to determining the question of jurisdiction and the possible establishment of appropriate procedure in the case of violations of the law.

Involving the question of censorship, the problem of dealing with undesirable programs has been one of the most difficult the commission has had to face. In such few cases as the commission has formally taken cognizance of complaints, it has "rebuked" the stations but avoided any overt action, as in the case of the Mae West episode some months ago.

In ordering a study of the question by its law department, the commission is seen as seeking a basis in the law for the establishment of definite principles of conduct for broadcasters without going to the length of "censoring" programs.

Miller on Ball Committee

WASHINGTON, Oct. 31.—Neville Miller, president of the N.A.B., has been invited to serve as a member of the annual President's Birthday Ball national committee.

Congratulations

M. P. T. O. A.

DELEGATES

◆

Woodard

Productions, Inc.

30 Rockefeller Plaza, N.Y.C.

Producers of

"Adventures of Chico"

A New Face *Brightens* the Screen!

at the Radio City Music Hall
starting Thursday Nov. 3rd

Paulette Goddard

Scintillating new star . . . center of the most concentrated public interest in years. Millions of fans are waiting to see her in her first role since Chaplin's "Modern Times"...millions are waiting to hear her speak for the first time on the screen!

— More glamorous than in "A Star Is Born"

— More romantic than in "Prisoner of Zenda"

— His first picture since "Topper"

— "Mrs. Topper"

SELZNICK INTERNATIONAL Presents

JANET GAYNOR
DOUGLAS FAIRBANKS Jr.
PAULETTE GODDARD
in

THE YOUNG IN HEART

with
ROLAND YOUNG
BILLIE BURKE
HENRY STEPHENSON and introducing RICHARD CARLSON directed by RICHARD WALLACE
Based on the SAT. EVENING POST Serial "THE GAY BANDITTI", by I. A. R. WYLIE
Produced by DAVID O. SELZNICK . . . . . . and Released thru
UNITED ARTISTS

Introducing
RICHARD CARLSON
Brilliant young Broadway actor—discovered by David O. Selznick—in his first screen role!

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 44. NO. 87 NEW YORK, WEDNESDAY, NOVEMBER 2, 1938 TEN CENTS

Radio Intends Big Coverage For Elections

Webs Will Remain Open Beyond Usual Time

Radio's election coverage will be more extensive than at any time in the past, with all the networks prepared to stay on the air as long as necessary beyond the usual closing time until all issues have been definitely decided.

Election broadcasts, which will be nationwide, will begin shortly after 6 P. M., when the polls close, to be followed in most instances by bulletins at five-minute intervals from all sections. The three networks, CBS, NBC and Mutual, have ordered most of their sustaining programs cleared from the channels and are substituting dance bands, so that news and election results can be broadcast as they arrive on the tickers, without breaking continuity threads of programs.

Columbia's election staff includes H. V. Kaltenborn, Bob Trout and

(*Continued on page* 12)

Rivoli to Be "U's" First Run on B'way

Universal now is assured of maximum Broadway playing time, having concluded a three-way arrangement with the Rivoli, Rialto and the Globe theatres, under terms of which all of "U's" product will get first run availability in Times Square.

The Rivoli, it is understood, guarantees "U" a certain number of weeks, sufficient to assure the film company the bigger share of the theatre's playdates this season.

The Rivoli, under its deal with "U," gets first choice of product. Rialto and Globe have next choice.

SMPE Awards Go To Kalmus, Gibson

DETROIT, Nov. 1.—Dr. Herbert T. Kalmus, president of Technicolor Corp., was awarded the 1938 Progress Medal of the Society of Motion Picture Engineers, and Dr. K. S. Gibson of the National Bureau of Standards, Department of Commerce, the annual

(*Continued on page* 4)

Radio—Page 12

Two Mars Films Out

Two films are to be rushed out to get in on the excitement caused by the Sunday broadcast of H. G. Wells' "War of the Worlds."

United Artists is re-issuing Alexander Korda's "Things to Come," story of the destruction of the world and its re-birth 100 years hence, and Universal is putting out "Mars Attacks the World." This was produced as a feature about a year ago along with the serial "Flash Gordon's Trip to Mars," but never has been released.

No Talks Planned Now on Wage Law Film Application

No meetings on the application of the Federal Wage and Hour law to employes in this industry will be sought by major companies with international unions at this time, Pat Casey, producers' labor arbitrator, said yesterday. The meetings were suggested by Administrator Elmer F. Andrews as a means of clarifying the operation of the law for the film industry pending further court and official interpretation.

With most of exhibition and distribution employe classifications believed exempt from the law, meetings with unions in those branches of the industry probably will not be sought unless new problems arise, or unless

(*Continued on page* 4)

INDUSTRY REFORMS CERTAIN—RODGERS

MPTOA Hears Practical System Nearly Ready; Asks Confidence

OKLAHOMA CITY, Nov. 1.—"It is not only possible but it is practically certain that the film business can regulate its own affairs properly. All that we ask is a fair opportunity to do so. Now, when the industry is in the final stages of trying to effect a practical system of trade practice, confidence is needed more than ever, so that these negotiations shall succeed."

These were the words of William F. Rodgers, distribution chief of M-G-M, and spokesman for the distributors' committee on trade practice problems. He made a straightforward appeal for cooperation, and he sounded the most cheering and optimistic note of the M.P.T.O.A. convention.

"Had this convention been held one week later," Rodgers stated, "there is little doubt that we could have here

(*Continued on page* 4)

Allied Directors Take Stand Today Upon Trade Talks

Allied's further moves in the trade practice negotiations will be decided tomorrow in Chicago by the board of directors. The negotiating committee headed by Col. H. A. Cole will report to the full board on negotiations held to date with the distributors' committee. The meeting will be held at the Congress Hotel at 10 A.M.

William F. Rodgers, Gradwell L. Sears and A. Montague will be in Chicago ready to proceed after the board decides on its course. These meetings, if resumed, are expected to continue to Friday night.

It is reported that the Allied committee members have divergent views on a trade practice program.

Indiana ATO Hears Finances Excellent

INDIANAPOLIS, Nov. 1.—Associated Theatre Owners of Indiana are in a strong financial condition and have a greater percentage of paid up members than at any time in the organization's history, members were informed at the opening business session at the 12th annual convention in the Hotel Antlers today. Speakers included State

(*Continued on page* 4)

Chicago's Clearance Rules May Be Topic at Meeting Tomorrow

Chicago's clearance rules may be discussed by members of the distributors' negotiating committee which convenes there tomorrow for trade practice discussions with Allied leaders, with a view to adjusting same.

Illinois Allied unit is one of the prime movers behind the pending Chicago anti-trust suit against Balaban & Katz.

Gradwell L. Sears and Ned E. Depinet, who may attend the Chicago parleys are members of a committee created to study the Windy City's protection situation.

William C. Gehring is the third committee member. William F. Rodgers and A. Montague, who will attend the trade practice conferences in Chicago tomorrow, are not members of the conciliation committee. The companies which they represent, however, are among the defendants in the suit, which is directed primarily against B. & K.

Indications are that the distributors' representatives will act in the matter only if asked to do so by the Chicago exhibitor leaders. Counsel for defendants here are continuing with preparations for trial of the case.

Adjourn U. S. Suit Hearing to Nov. 10

Hearing on the motions by the major companies for bills of particulars in the Government anti-trust suit were adjourned to Nov. 10 at the request of John Lane, assistant U. S. Attorney, in the U. S. District Court here yesterday. Hearing on a motion to strike out portions of the complaint was also delayed to the same date. Federal Judge William Bondy granted the request and will hear the motion on the adjourned date. There was no opposition to the delay.

It was learned that Moses H. Lewis, special attorney in charge of the anti-trust division of the Department of Justice here, is handling the

(*Continued on page* 4)

Lottery Charged in 3 Brooklyn Houses

Three theatres in Brooklyn have been served with summonses for alleged violation of the lottery laws. Trial has been set for Nov. 18 in the ninth district Magistrate's Court, Brooklyn.

The theatres are the Paras Court, 292 Court St., operated by Louis Goidel; the Subway, 158 Myrtle Ave., operated by Frank Worth, and Abe

(*Continued on page* 4)

Purely Personal

Richard de Rochemont arrives on the *Paris* today. Other arrivals include **Henri Diamant-Berger**, French film producer, and **Lilian Emerson**, actress who appeared in the London "Golden Boy" company.

•

Steve Garay, London stage and screen comedian, will arrive from Europe on the *Normandie* next week for an engagement at the New York Palladium, the former Broadway Theatre.

•

Douglas Fowley, here on vacation after doing "Submarine Patrol," will be guest on "Uncle Don" Carney's Mutual program today at 6 P.M.

•

Karl Macdonald, Warner supervisor for Latin America, arrived yesterday from a trip to branches in Cuba, Puerto Rico and Trinidad.

•

Nate Blumberg, Universal president, will be a guest at the Motion Picture Associates luncheon at the Astor tomorrow.

•

Harry David, Paramount theatre partner in Salt Lake City, is in New York for a few days en route home from a honeymoon trip.

•

Scott R. Dunlap, Monogram production head, will arrive in New York today from the coast for conferences with **W. Ray Johnston**, president.

•

Al Sherman of the Columbia exploitation staff will return on the *Queen Mary* tomorrow from a month's vacation in London.

•

Hunter Perry of Charleston is at the Paramount home office for conferences with **Y. Frank Freeman**.

•

Sherman Rogers, recently with Industrafilm, Inc., has joined the Audio Productions staff at Astoria.

•

Dorothy Butler, eighth floor receptionist at Loew's, has made known her engagement to **John Raith**.

•

Tom Connors, M-G-M division manager, left last night for Montreal.

THE MERCURY

GIANT SKYSLEEPERS

OVERNIGHT TO LOS ANGELES

Fly the Southern SUNSHINE route overnight to Los Angeles. Through service. No change of planes. Giant SKYSLEEPERS. Complimentary meals served by stewardesses.

Mercury
Lv. 5:10 p. m.
(only 3 stops)

Southerner
Lv. 9:00 p. m.
(only 5 stops)

FOR RESERVATIONS: Call Your Travel Agent or VANderbilt 3-2580. Ticket Offices: 45 Vanderbilt Ave., and Rockefeller Center, 18 W. 49th St.

AMERICAN AIRLINES Inc.

Insiders' Outlook

Unless Metro is making advance television tests, no matter what the trade papers or the columnists have stated, it seems impossible that Metro could have film-tested Mrs. Doris Duke Cromwell in California, because the American lady has been in Paris since Oct. 1. She sails Nov. 11 for her native land.

▼ ▼

Ed Kuykendall, M. P. T. O. A. president, in his annual report to the organization's current national convention, offers the belief that the right to cancel up to 20 per cent of the product bought by exhibitors will bring about improved productions. He also believes that this would mean longer playing possibilities. Cancelled pictures, he points out, will provide additional playdates for other qualified product and thus should be an encouragement to independent producers.

His report cites radio as a competitive problem for theatres still, but adds that, while the M. P. T. O. A. has wrestled with the problem, "very little headway has been made."

He is optimistic over the chances for success of the exhibitor-distributor trade practice conferences. Cancellation, the forcing of shorts, conciliation and the score charge have been the major topics in the conferences up to this point. He is confident that other concessions will be made for the small exhibitor. The report re-indorses self-regulation, and condemns lawsuits and legislation as solutions for trade practice problems.

▼ ▼

Loew's publishes a specially edited four-page monthly which has a circulation of 191,000, called *Students' Screen Forecast,* and which lists attractions of Loew's metropolitan theatres for pupils of the New York City high schools and parochial institutions.

▼ ▼

Henderson M. Richey, upon becoming director of exhibitor relations for RKO next Monday, will act as an ambassador of goodwill between exhibitors and the company. Heretofore, this has been left to branch managers and the home office. Richey will serve under Ned E. Depinet, distribution chief.

▼ ▼

The management of the Rivoli, last Monday overstated the week's gross on "Service De Luxe," when it reported that the film grossed $20,000. The picture finished for under $10,000.

Rites for Woolsey To Be Held Friday

Hollywood, Nov. 1.—Funeral services for Robert Woolsey, screen comedian who died at Malibu Beach yesterday after a long illness, will be held on Friday at the Little Church of the Flowers and will be in charge of the Masonic Fraternity.

Bert Wheeler, his partner in comedy for many years, broke off a personal appearance tour in Chicago to attend the funeral.

Woolsey, 49, spent 15 years before entering films in dramatic and musical stock companies all over the country. He played in roadshows, in Australia, New Zealand and India, as well as this country, and spent six years in Broadway vaudeville. Florenz Ziegfeld placed Woolsey and Wheeler, by then his partner, in the musical, "Rio Rita," and from there they went directly to the screen version of the show for RKO in 1930. A long succession of film comedies followed, including "The Cuckoos," "Half Shot at Sunrise," "Hips, Hips, Hooray," "Kentucky Kernels," "On Again—Off Again" and "High Flyers," all for RKO.

Plan Mexico Color Film

Mexico City, Oct. 27.—Mexico is to essay a full length feature in color. t is being undertaken by Pedro Calderon, producer of "La Zandunga." The new picture will be called "Las Aventuras de Zaro" ("Zaro's Adventures").

Ohio Censor Cuts 24

Cincinnati, Nov. 1.—Ohio censor reviewed a total of 509 reels in October from which 24 eliminations were ordered. This compares with 506 reels reviewed and 21 eliminations ordered in September, and 672 reels with 35 eliminations in October, 1937.

Murphy Joins Circuit

William P. Murphy has taken charge of the Maine, Massachusetts and Rhode Island houses of the Lockwood-Gordon New England circuit.

★ Fly United's DeLuxe ★

MAINLINERS TO CHICAGO!

8 fast flights daily—
all over shortest route!

★ To CHICAGO — 4 hrs., 55 min.!

Mainliners are tops in luxury and comfort! Only United flies the famous deluxe Skylounge Mainliners on non-stop flights—leave 12:15 p.m. or 5:20 p.m. Low round-trip rates! Reservations: 58 E. 42nd St., MU. 2-7300. Or travel bureaus, hotels.

UNITED AIR LINES

★ The Main Line Airway ★

Columbia to Hold Weekend Division Meet at Chicago

Columbia will hold the first of a series of divisional sales meetings at the Blackstone Hotel, Chicago, Saturday and Sunday. A. Montague, general sales manager, who leaves N[illegible] York for Chicago tonight, will [illegible]side at the session which will be [illegible]tended by about 70 members of the central, midwestern and mideast sales staffs.

Home office officials who will leave here Friday for the meeting include Rube Jackter, Louis Astor, Louis Weinberg, Max Weisfeldt, Hank Kaufman, George Josephs, Milton Hannock and Maurice Grad. Division Managers Sam Galanty, Phil Dunas and Carl Shalit will head field delegations from 14 exchanges.

Polakoff Seeks Order

Moses Polakoff, plaintiff in a $250,000 libel suit against CBS, Edwin C. Hill and the American Tobacco Co., applied to the N. Y. Supreme Court yesterday for an order striking out the defenses raised by Hill and American Tobacco.

Polakoff claimed that the defense that a broadcast made on WABC on Aug. 2, 1937, was fair comment of news events and was made without malice were insufficient in law. The suit charges that Hill characterized the plaintiff as a "crooked lawyer" on a Lucky Strike cigarette broadcast commenting on the "Lucky" Luciano trial.

Ofstie Buys Trailer Firm

Chicago, Nov. 1.—Burt Ofstie, former B. & K. advertising and publicity man, has bought Midwest Trailer Co. from Bob Hartman.

Two Theatres on Liner

New Cunard liner, *Queen Elizabeth,* will have two theatres, equipped by Erpi. They will have a combined seating capacity of 578.

Warner Club to Dance

Chicago, Nov. 1.—Warner Club here will hold a cabaret party at the Hotel Sherman on Nov. 16.

MOTION PICTURE
DAILY

(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: Motion Picture Herald, Better Theatres, Teatro al Dia, International Motion Picture Almanac and Fame.

BUREAUS:—*Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

Metro-Goldwyn-M"A"yer presents
at Radio City Music Hall

"YOUNG DR. KILDARE"

LEW AYRES · LIONEL BARRYMORE · Lynne Carver
Nat Pendleton · Jo Ann Sayers · Samuel S. Hinds · Screen Play
by Harry Ruskin, Willis Goldbeck · Directed by Harold S. Bucquet

RADIO CITY
MUSIC HALL
RKO
RADIO
YOUNG DR. KILDARE

Y. Critics give Leo the igh-sign on his first isit to the Music Hall!

"YOUNG DR. KILDARE", the first Metro-Goldwyn-Mayer production to bow into New York via Radio City Music Hall screen, is a product worthy of both its studio and the theatre."

Kate Cameron—N. Y. DAILY NEWS

"The Radio City Music Hall, ordinarily dedicated to the presentation of the most stupendously elaborate, this week presents a refreshingly modest and winning story. In its simple humanity the film packs its strongest appeal. 'YOUNG DR. KILDARE' captures your interest and holds it."

Bland Johaneson—N. Y. DAILY MIRROR

"So admirably turned out, so expertly are the story, direction and acting woven together, that 'YOUNG DR. KILDARE' rises far and becomes the first M-G-M picture ever to have been booked into the Radio City Music Hall."

Leo Mishkin—N. Y. MORNING TELEGRAPH

"Credit it, too, with cementing the comeback of Lew Ayres. 'YOUNG DR. KILDARE' has refreshing simplicity of story, honesty of characterization and naturalness of presentation."

Frank S. Nugent—N. Y. TIMES

"Leo, the Metro-Goldwyn-Mayer lion, growled for the first time from the screen of the Radio City Music Hall yesterday and a healthy growl it was. Leo may well count his debut a success."

Herbert Cohn—BROOKLYN EAGLE

"Encouraged by the success of its 'Judge Hardy' pictures, M-G-M is launching another film series. The first opened yesterday at the Radio City Music Hall and, judging by the initial entry, the series should become a popular one. Like the films in the Hardy list, 'YOUNG DR. KILDARE is warmly, likeably human."

Rose Pelswick—N. Y. JOURNAL AND AMERICAN

"The Music Hall film, first M-G-M production to run at the great theatre, tells of people whom you would like to know and whom maybe you do know, of the real life of America. There is word from Hollywood that this may be the first of a series like the Hardy family. That is good word. The movies could stand a good many more people like Dr. Kildare and his friends."

Eileen Creelman—N. Y. SUN

" 'YOUNG DR. KILDARE' at the Music Hall is as entertaining and pleasant a film as you will see in a month of looking. In fact, if the same people make the next one, this department will positively look forward to it."

Archer Winsten—N. Y. EVE. POST

Metro-Goldwyn-Mayer Pictures are your grade-A entertainments!

No Talks Planned Now on Wage Law Film Application

(*Continued from page* 1)

the unions ask for a discussion. Meetings with studio unions are also indefinite. Casey and most industry attorneys concerned with the interpretation of the law are in favor of waiting for further official definitions, rather than seeking inconclusive understandings with the unions.

Indiana ATO Hears Finances Excellent

(*Continued from page* 1)

Senator Jacob Weiss, Frank Sanders, treasurer, and I. R. Holycross, vice-president.

Named to the board of directors were: Maurice Rubin, Alex Manta, R. K. Kreighbaum, V. U. Young, Holycross, Thomas Neal, Leonard Sowar, William Studebaker, Harry Markun, Ernest L. Miller, Roy R. Bair, Sanders, Roy Harrold, Walter Easley, Harry Vonderschmitt, Truman Rembusch, Herbert H. Johnson, Bruce Kixmiller, Oscar Fine and Sam Switow. The board will elect officers tomorrow.

Abram F. Myers, general counsel for Allied, will speak tomorrow. Committee reports will include a film product survey, clearance, block booking, playdates, guaranteed percentages, over-buying, score charges, weekly short payment plan, forcing of shorts, radio competition and national advertising. A banquet tomorrow night will close the convention.

Members relaxed last night at a party in the home of Variety Club Tent No. 10, and attended a midnight preview of "Men with Wings."

Fleischer Men Vote Against CIO Union

Employes of the Fleischer Studios, in an election held Monday in Miami, voted against designation of the United American Artists, C.I.O., as their exclusive bargaining agent. The vote was 66 to 58.

The union had represented the employes during the past year. Louis Nizer, attorney for Fleischer, said that the same salary scales and working conditions will continue. The election was held under the Wagner Act.

Fleischer Studios recently moved to Miami where it had built a plant.

Hurrell Busy on Color

HOLLYWOOD, Nov. 1.—George Hurrell, portrait photographer, is completing work on a still color process which will be called Warnercolor. The camera shoots three plates simultaneously, with a special color correcting lens. Carbro prints are made from the three negatives.

Rugge Heads Lab Union

John H. Rugge, president, William Vermont, secretary-treasurer, and Murray Stern, recording secretary, were reelected at the annual elections of Local 702, M. P. Laboratory Technicians' Union. Lloyd Frank was elected first vice-president and Mort Bloom, second vice-president.

Adjourn U. S. Suit Hearing to Nov. 10

(*Continued from page* 1)

procedural end of the suit. He will be in charge of receiving and filing papers and arranging court dates, but it is expected that Washington attorneys will come here for the argument on motions.

Consolidated's Net $218,763 on Quarter

Consolidated Film Industries, Inc., had a net profit for the quarter ending in September of $218,763, equal, after dividend requirements on 400,000 shares of $2 preferred, to three cents a share on the 524,973 of outstanding common. This compares with a net of $159,761 for the preceding quarter and a net of $162,606 on the third quarter last year.

The net for nine months to Sept. 30 was $536,205. For the same period last year the net was $541,023.

Lederer Buys Arcadia

Otto Lederer has purchased Rapf & Rudin's interest in the Arcadia, 993 Third Ave. He now owns the theatre alone, but is interested with Rapf & Rudin in other operations.

Yankee Touch

Bridgeport, Nov. 1.—"The Citadel," British film, got a Yankee touch when it played the Loew-Poli here. The father, mother and two brothers of Robert Donat, star of the film, live 45 miles from here. Matt Saunders, manager of the Loew-Poli, took local newspapermen on a trip to the Donat farm. Several newspaper interviews resulted.

Lottery Charged in 3 Brooklyn Houses

(*Continued from page* 1)

Levy's New United, 207 Myrtle Ave. No arrests were made.

This has no connection with the crusade by the Society for the Prevention of Crime, which recently instigated a raid on the Jewel Theatre in Harlem. The Society's office said yesterday, however, that it is making a survey of theatres using chance games.

The Jewel Theatre case, in which the entire house staff of six was arrested, will come up in Special Sessions. The society is the complainant.

Trade Reforms Are Certain, Rodgers Tells MPTOA Meet

(*Continued from page* 1)

announced a program of trade practices which would have set a new milestone in our business, one which could have been a yardstick by which the trade could govern its future relations.

"We believe that in a short time this will be realized. Your president and your committee will resume negotiations Nov. 7, and I am leaving tonight, also to take up negotiations on trade practice problems with other exhibitors.

"We have developed this great industry by the concentrated efforts of us all, and Government interference is not necessary."

Tonight the M.P.T.O.A. packs up and goes home. The organization's convention, which started Sunday, will end with a dinner and ball. The guests who had the privilege of addressing the 300-odd conventioneers and the officials who likewise made speeches, spoke about familiar problems, in the familiar manner.

One striking impression has been left, however. This is the admonition that officials in the business, big and small, should cease washing their dirty linen in public. More than one speaker tried to focus convention thought upon this fact.

Some kind of a general industry good-will campaign is in prospect for next year, but it is only in embryo at present, George J. Schaefer, operating head of RKO, revealed here.

With this, Schaefer also analyzed the causes which led to the industry's present b. o. drive and "Quiz" campaign.

The drive was declared a success and he gave credit to Howard Dietz, Robert Gillham, Charles E. McCarthy and E. J. Churchill.

"We did not think of, nor intend a continuous bank night," said Schaefer. The campaign, he felt, has recaptured public interest in films, and obtained favorable press reaction.

This is Schaefer's 25th year in the trade and he took this opportunity to pay tribute to Sidney R. Kent, president of 20th Century-Fox, his teacher and guide.

Following his address, Schaefer took off by plane for Dallas, from where he will return to New York.

Lewen Pizor of Philadelphia spoke on "Contractual Relations Between Distributor and Exhibitor." Pizor is president of the U. M. P. T. O. of Eastern Pennsylvania. He urged simplification of contracts.

Harold Rodner, Warner executive, spoke on the purposes and progress of the Will Rogers Memorial Fund.

Edward Golden, vice-president of Monogram, stated that everybody was sincere in trying to solve the industry's ills, and he included the Government. He attacked the big fellows of the business and let fly the familiar squawks against big-time competition.

Other speakers who addressed the convention included H. V. Harvey, president of the Independent Theatre Owners of Northern California, and Harry Goldberg, of Warners.

This afternoon players from the studios who are guests of the convention were heard over a 36-station hookup of stations in Oklahoma and Texas, with KOMA, Oklahoma City, originating the show. Participants were Mickey Rooney, Gene Austin, Marie Wilson, Olivia De Havilland, Margaret Lindsay, Jane Bryan.

SMPE Awards Go To Kalmus, Gibson

(*Continued from page* 1)

Journal Award, at the banquet tonight which closed the second day of the S.M.P.E. fall convention at the Hotel Statler here.

His work in the development of color photography brought the medal to Dr. Kalmus, who predicted [illegible] his acceptance that "within two years Technicolor will have done away with special cameras and be regularly employing single strips of negative through any standard motion picture camera."

The award to Dr. Gibson, annually given for the most outstanding paper published in the society's *Journal* during the preceding calendar year, was for his paper, "The Analysis and Specification of Color."

Today's program of papers consisted of a general session in the morning and a laboratory session in the afternoon. Two on television featured the early meeting, "Some Television Problems from the Motion Picture Standpoint," by G. L. Beers. E. W. Engstrom and I. G. Maloff of RCA Manufacturing Co., and "Some of the Problems Ahead in Television," by I. J. Karr, General Electric. Other morning papers were "A 16mm. Sound Recorder," by R. W. Benfer of Erpi, and "A Motion Picture Dubbing and Scoring Stage," by C. L. Lootens, M. Rettinger and D. J. Bloomberg of Hollywood.

The following papers were read during the afternoon session: "Some General Characteristics of Chromium-Nickel-Iron Alloys as Corrosion-Resisting Materials," "A Color Temperature Meter," " Technicolor Adventures in Cinemaland," by Dr. Kalmus; "Chemical Analysis of an MQ Developer," "Opacimeter Used in Chemical Analysis" and "Latest Developments in Variable-Area Processing."

The convention will close with two sessions tomorrow.

Morris, Hammons Due

A contingent of film and show people arriving from London tomorrow on the *Queen Mary* will include Sam E. Morris, Warner foreign chief; E. W. Hammons, Grand National president; William Gell, managing director of Pathe Pictures, Ltd.; Arthur Levey, Monogram's British representative; S. Sagall, managing director of Scophony; Monte Banks, producer; Beatrice Lillie, who will play the lead in the new Noel Coward revue; George Black, vaudeville producer; Mrs. B. R. Lipscomb, wife of the film writer.

Landlord Files RKO Suit

Suit to recover $200,000 allegedly due as rental on the RKO White Plains Theatre was filed yesterday in the N. Y. Supreme Court against RKO Film Booking Corp., RKO Service Corp., and White Plains Hamilton Corp., owner of the RKO White Plains.

H. & S. Sonn, Inc., landlord, claims a 1925 lease called for $40,000 yearly with annual increases to $45,000, and 50 per cent of the net profits. The plaintiff claims the theatre owner has refused to submit books for audit.

MOTION PICTURE
DAILY

"Age," "Kicks" Boston's Lead With $22,000

BOSTON, Nov. 1.—"That Certain Age," with "Mr. Doodle Kicks Off," [illegible] the first runs last week with $22,000 at the RKO Memorial. The bill was held for a second week.

Both holdovers were strong. "If I Were King," with "Mysterious Mr. Moto," took $14,000. "Too Hot to Handle" and "Girls' School" fared well for a second stanza at Loew's State and Loew's Orpheum, $7,000 at the former and $12,000 at the latter. "Garden of the Moon," with "Girls on Probation," grossed $9,000 at the Paramount and $4,000 at the Fenway.

Estimated takings for the week ending Oct. 29:

"Garden of the Moon" (W. B.)
"Girls on Probation" (W. B.)
FENWAY—(1,382), (25c-35c-40c-55c) 7 days. Gross: $4,000. (Average, $4,500)

"Too Hot to Handle" (M-G-M)
"Girls' School" (Col.)
LOEW'S ORPHEUM—(2,907) (25c-35c-40c-55c) 7 days, 2nd week. Gross: $12,000. (Average, $12,000)

"Too Hot to Handle" (M-G-M)
"Girls' School" (Col.)
LOEW'S STATE—(3,537) (25c-30c-40c-55c) 7 days, 2nd week. Gross: $7,000. (Average, $11,000)

"If I Were King" (Para.)
"Mysterious Mr. Moto" (20th-Fox)
METROPOLITAN—(4,332) (25c-35c-40c-55c) 7 days, 2nd week. Gross: $14,000. (Average, $11,000)

"Garden of the Moon" (W. B.)
"Girls on Probation" (W. B.)
PARAMOUNT—(1,790) (25c-35c-40c-55c) 7 days. Gross: $9,000. (Average, $8,000)

"That Certain Age" (Univ.)
"Mr. Doodle Kicks Off" (RKO)
RKO MEMORIAL—(2,970) (25c-35c-40c-55c) 7 days. Gross: $22,000. (Average, $13,000)

"Can't Take" Big At Oklahoma City

OKLAHOMA CITY, Nov. 1.—"You Can't Take It With You" was something of a sensation at the State. It more than doubled the normal gross of the house with $7,500.

"Too Hot to Handle" also was in the money in a big way with a gross of $8,600. This was $3,400 over par for the Criterion. "Stablemates" turned in a good $5,100 at the Midwest in eight days.

Estimated takings for the week ending Oct. 26-27:

"Too Hot to Handle" (M-G-M)
CRITERION—(1,500) (25c-35c-40c) 9 days. Gross: $8,600. (Average, $5,200)

"Mr. Doodle Kicks Off" (RKO)
"Wives Under Suspicion" (Univ.)
LIBERTY—(1,200) (20c-25c) 4 days. Gross: $1,650. (Average, $1,800)

"Freshman Year" (Univ.)
"One Wild Night" (20th-Fox)
LIBERTY—(1,200) (20c-25c) 3 days. Gross: $750. (Average, $700)

"Stablemates" (M-G-M)
MIDWEST—(1,500) (25c-35c-40c) 8 days. Gross: $5,100. (Average, $4,500)

"You Can't Take It With You" (Col.)
STATE—(1,100) (25c-35c-40c) 7 days. Gross: $7,500. (Average, $3,000)

"Four Daughters" (W. B.)
TOWER—(1,000) (25c-35c) 4 days. Gross: $1,150. (Average, $2,500)

"That Certain Age" (Univ.)
TOWER—(1,000) (25c-35c) 3 days. Gross: $1,000. (Average, $2,500). This picture played one week at Midwest, skipped a week and then was placed in first run Tower.

New York Preview

"Ballerina"

(Mayer-Burstyn)

For those who delight in the beauty of the ballet at its best, for those who enjoy the music of Chopin and Gounod played by a symphony orchestra, for the mothers who have tried to make Pavlowas of their daughters or Paderewskis of their sons this will be an outstanding picture.

It has been directed with rare understanding of child psychology by Jean Benoit-Levy. The two adult women principals, Mia Slavenska and Yvette Chauvire, are beautiful to look at and are fine dancers. The work of five child actresses—Janine Charrat, Mady Berry, France Ellys, Claire Gerard and Jacqueline Queffelec—is unusual, to say the least.

The story tells of the heartaches and the consuming ambition of stage dancers. A child dancer cripples a ballet star because she fears she will supplant her "godmother," but in the end the crippled woman forgives her as a teacher. The story is easy to follow through sub-titles in spite of the French dialogue.

In other words the film is unusual. It has some of the best talent in France and is well done. The so-called intelligentsia in search of art will enthuse over it. College audiences and little theatre audiences will vote it outstanding, but it will have a limited appeal in those sections of this country where the audiences think art is something they keep in museums.

Running time, 85 minutes. "G."* J. M. JERAULD

Hollywood Previews

"Lawless Valley"

(RKO)

HOLLYWOOD, Nov. 1.—"Lawless Valley" is a fast number in the George O'Brien western series being produced by RKO. It again retains the producer-director team of Bert Gilroy and David Howard, who have collaborated on the previous westerns and who are responsible in large measure for the increasing popularity of the films.

The picture was previewed on the day that Fred Kohler, Sr., the menace, died and it is his first picture in which Kohler appears with his son, Fred Kohler, Jr. Opposite O'Brien is Kay Sutton. The cast includes Walter Miller, Lew Kelly, George MacQuarrie, Earle Hodgins, Chill Wills, Dot Farley and the Negro singing troupe, "The Four Tunes."

The story, by W. C. Tuttle, and adapted by Oliver Drake, has a novelty opening for a western picture, with O'Brien, the hero, being paroled from prison after serving more than a year upon his conviction as a stagecoach robber. Following that, the story is formula, with Kohler, Sr., the guardian of Miss Sutton, attempting to force her to marry his son to keep her ranch in the family, and the mysterious stranger turning out at the last minute to be the Government man seeking the real criminals.

What the story lacks in originality is made up by the action crammed in 60 minutes of unreeling. The picture successfully exploits the physical prowess of O'Brien.

Running time, 60 minutes. "G."* VANCE KING

"Where the Buffalo Roam"

(Monogram)

HOLLYWOOD, Nov. 1.—This is a personality western, plus songs, with Tex Ritter ridin', shootin', fightin', singin' and conducting a quiet romance in the west of the era before the buffalo found official sanctuary. There are eyefilling shots of the beasts roaming in herds, and some talk about them, but the story gets away from that subject early and takes up an honest Texan's quest for the outlaws who killed his mother. The narrative is stopped for one long sequence given over to the music of Louise Massey and the Westerners, string musicians who also sing.

Ritter's buddies are Horace Murphy and Snub Pollard. Dorothy Short is the girl friend. John Merton and Richard Alexander are the heavies. Story and screenplay are by Horace Emmett and Al Herman directed for Edward Finney, associate producer.

The film is produced on a practical basis for a definite type of audience, the one that counts no screenshow complete without a western.

Running time, 65 minutes. "G."* ROSCOE WILLIAMS

"G" denotes general audience classification.

"Certain Age" Gets $11,500 At Pittsburgh

PITTSBURGH, Nov. 1.—"That Certain Age" at $11,500 and "The Arkansas Traveler," with Ted Lewis on the stage, at $22,000 made the Alvin and Stanley, respectively, the standouts here last week.

Other houses fared badly. The Penn took $11,500 with "The Sisters" and "Give Me a Sailor" and "Bulldog Drummond in Africa" took $3,100 at the Fulton.

Estimated takings for the week ending Oct. 27:

"That Certain Age" (Univ.)
ALVIN—(1,850) (25c-50c) 7 days. Gross: $11,500. (Average, $6,500)

"Give Me a Sailor" (Para.)
"Bulldog Drummond In Africa" (Para.)
FULTON—(1,750) (25c-40c) 7 days. Gross: $3,100. (Average, $4,500)

"The Sisters" (W. B.)
PENN—(3,300) (25c-50c) 7 days. Gross: $11,500. (Average, $11,000)

"The Arkansas Traveler" (Para.)
STANLEY—(3,600) (25c-60c) 7 days. Stage: Ted Lewis' band. Gross: $22,000. (Average, $18,000)

"Stablemates" (M-G-M)
WARNER—(2,000) (25c-50c) 7 days, 2nd week. Gross: $5,600. (Average, $5,000)

"Stablemates" Hits $15,000, Cincy Top

CINCINNATI, Nov. 1. — "Stablemates" was the top grosser last week, giving the RKO Palace a nifty $15,000. It was moved to the RKO Capitol.

"The Sisters" gave the RKO Albee $12,500 and was moved over to Keith's for a second stanza. "Boys Town" continued to draw heavily in its fourth downtown week at the RKO Grand, where it garnered $4,200 and was held over.

Estimated takings for the week ending Oct. 27:

"The Sisters" (W. B.)
RKO ALBEE—(3,300) (35c-42c) 7 days. Gross: $12,500. (Average, $12,000) Moved to Keith's.

"Stablemates" (M-G-M)
RKO PALACE—(2,700) (35c-42c) 7 days. Gross: $15,000. (Average, $10,000) Moved to RKO Capitol.

"You Can't Take It With You" (Col.)
RKO SHUBERT—(2,150) (35c-40c-55c) 7 days, 4th week. Gross: $7,300. (Average, $12,000) Held.

"That Certain Age" (Univ.)
RKO CAPITOL—(2,000) (35c-42c) 7 days, 4th downtown week. Gross: $5,000. (Average, $6,500)

"Frankenstein" (Univ.)
"Dracula" (Univ.)
RKO LYRIC—(1,400) (35c-42c) 6 days, 2nd week. Gross: 7 days, $4,600. (Average, $6,500)

"Boys Town" (M-G-M)
RKO GRAND—(1,200) (25c-40c) 7 days. 4th downtown week. Gross: $4,200. (Average, $2,750) Held.

"Crime Takes a Holiday" (Col.)
(2 days)
"Come on Leathernecks" (Republic)
(2 days)
"Mr. Doodle Kicks Off" (RKO)
(3 days)
RKO FAMILY—(1,000) (15c-25c) Gross: $2,300. (Average, $2,450)

"Garden of the Moon" (W. B.)
KEITH'S—(1,500) (30c-40c) 7 days. Gross: $3,600. (Average, $6,500)

Gus Kahn Gets Contract

HOLLYWOOD, Nov. 1.—M-G-M has given a new contract to Gus Kahn, song writer, under which he starts his sixth year at the studio.

NOW! Show i

UNIVERSAL presents THE MOST SE
LENGTH FEATURE IN FILM-T

MARS AT
THE W

with **LARRY "BUSTER" CRABBE**
JEAN ROGERS • CHARLES MIDDLETON
FRANK SHANNON • BEATRICE ROBERTS
Original story and screen play by Ray Trampe,
Norman S. Hall, Wyndham Gittens

NATIONAL RELEA

o them!

TIONAL FULL-
L HISTORY!"

ACKS
ORLD!

SEE!

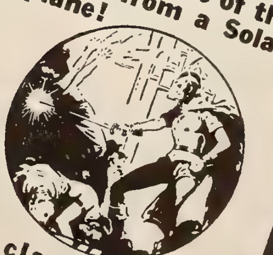
The flight of the rocket ship through the Universe!

Mars and its weird citizens!

War in space with deadly beam-ray guns!

The spectacle of the Earth from a Solar plane!

UNIVERSAL PICTURES



The clash of rival planet people!

Alex Raymond's newspaper feature
rdon" owned and copyrighted by
ures Syndicate, January 7, 1934.

EW UNIVERSAL PICTURE

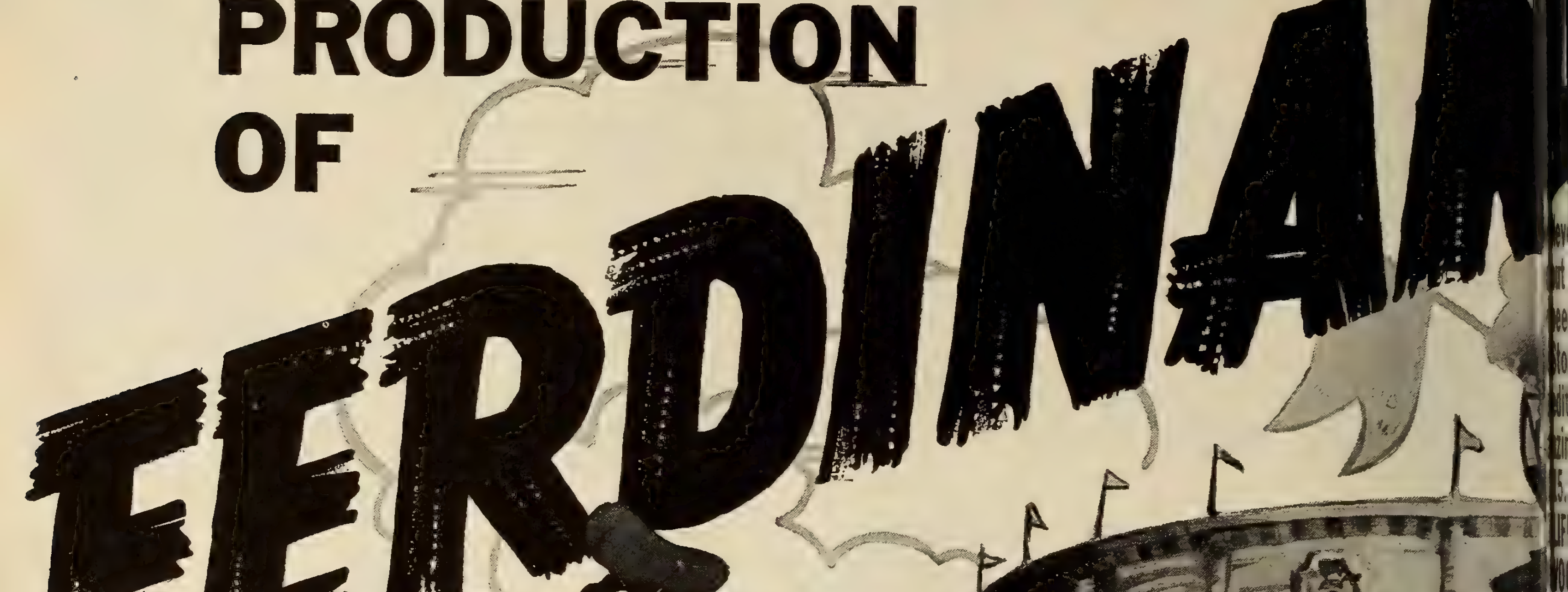
TODAY!

Backed by the most extensi
campaign any short featu

WALT DISNEY'S

PRODUCTION OF

FERDINAN



IN
TECHNICOLOR

Distributed by
RKO RADIO PICTURES

THANKSGIVING WEEK ATTRACTION AT

romotional
ver received!

D THE BULL

NEXT DISNEY RELEASES
★
MERBABIES
Release Date, December 9
MOTHER GOOSE GOES HOLLYWOOD
Release Date, December 23
Stage
Katharine Cornell's Own Story
MOVIE STORY
Mickey Mouse
SCHOLASTIC
VOGUE
Liberty 5¢
CUE
THE WEEKLY MAGAZINE OF NEW YORK LIFE
OCTOBER 15, 1938
MOVIE LIFE
Young America
BAZAAR

**ever in all motion picture history have any
ut the most important feature attractions
een given such nation-wide plugging! . .
tories, articles, art and pictorial layouts,
ditorials and fashion announcements in mag-
zines whose NET PAID CIRCULATIONS TOTAL
5,542,945! Look at the list already committed:
IFE . . PHOTOPLAY . . CUE . . SCREEN GUIDE . .
OGUE . . MICKEY MOUSE MAGAZINE . . LOOK . .
IcCALLS . . HARPER'S BAZAAR . . STAGE . . YOUNG
MERICA . . MOVIE LIFE . . LIBERTY . . WOMAN'S
AY . . MOVIE STORY . . THEATRE ARTS . .
CHOLASTIC . . ROCKEFELLER CENTER WEEKLY.**

Add to this a total of sixty-four licensees signed up for one hundred and two separate articles of merchandise. Big window displays everywhere. Big fashion parades in department stores. A PROMOTIONAL CAMPAIGN THAT CAN BE COMPARED ONLY WITH "SNOW WHITE."

EADING FIRST RUNS EVERYWHERE!

"Daughters" Twin Cities' Best Grosser

MINNEAPOLIS, Nov. 1. — "Four Daughters" did handsomely at the State, grossing $10,000. Both "Five of a Kind" and "Arkansas Traveler" were good for $5,000, the former at the Century, the latter at the Orpheum.

In St. Paul the biggest money-getter also was "Four Daughters," $6,500 at the Paramount. Aided by an ice show, "Gateway" at the Orpheum grossed $5,500.

Estimated takings for the week ending Oct. 27:

Minneapolis:

"Breaking the Ice" (RKO)
"Crime Takes a Holiday" (Col.)
"Mysterious Rider" (Para.)
"Personal Secretary" (Univ.)
ASTER—(900) (15c-25c) "Ice," "Crime," 3 days, "Rider," "Secretary," 4 days. Gross: $2,000. (Average, $1,800)

"Five of a Kind" (20th-Fox)
CENTURY—(1,600) (25c-40c) 7 days. Gross: $5,000. (Average, $4,000)

"Arkansas Traveler" (Para.)
ORPHEUM—(2,900) (25c-40c) 7 days. Gross: $5,000. (Average, $4,800)

"Four Daughters" (F. N.)
STATE—(2,300) (25c-40c) 7 days. Gross: $10,000. (Average, $4,400)

"Drums" (U. A.)
WORLD—(400) (25c-35c) 7 days, 2nd week. Gross: $1,800. (Average, $1,600)

St. Paul:

"Gateway" (20th-Fox)
ORPHEUM—(2,000) (25c-40c) 7 days. Stage: Dot Franey and Ice Carnival. Gross: $5,500. (Average, $3,200)

"Four Daughters" (F. N.)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: $6,500. (Average, $4,400)

"Secrets of An Actress" (F. N.)
RIVIERA—(1,000) (25c-40c) 7 days. Gross: $1,300. (Average, $2,400)

"Meet the Girls" (20th-Fox)
"Mysterious Mr. Moto" (20th-Fox)
TOWER—(1,000) (25c-40c) 7 days. Gross: $2,000. (Average, $1,600)

"Sailing Along" (G. B.)
"South Riding" (U. A.)
WORLD—(400) (25c-35c) "Sailing," 5 days. "Riding," 2 days. Gross: $600. (Average, $700)

"Swing," Spitalny Hits at Milwaukee

MILWAUKEE, Nov. 1.—"Swing That Cheer" and Phil Spitalny and his orchestra collected $15,900, the week's high gross, at the Riverside. A close second was "Sing You Sinners" and Gene Krupa and his band, which grossed $14,675 at Fox's Palace.

With the exception of "The Walking Dead" and "White Zombie," which did $5,000 at Fox's Strand, other business was off.

Estimated takings for the week ending Oct. 26-27:

"Garden of the Moon" (F. N.)
"Youth Takes a Fling" (Univ.)
WARNER—(2,400) (35c-50c) 5 days. Gross: $3,000. (Average, $5,000)

"Five of a Kind" (20th-Fox)
"Straight, Place and Show" (20th-Fox)
WISCONSIN—(3,200) (35c-50c) 6 days. Gross: $7,000. (Average, $8,000)

"Sing You Sinners" (Para.)
PALACE—(2,400) (35c-50c) 7 days. Stage: Gene Krupa. Gross: $14,675. (Average, $5,000)

"Swing That Cheer" (Univ.)
RIVERSIDE—(2,300) (30c-40c) 7 days. Stage: Phil Spitalny. Gross: $15,900. (Average, $5,000)

"The Walking Dead" (W. B.)
"White Zombie" (U. A.)
STRAND—(1,400) (35c-50c) 7 days. Gross: $5,000. (Average, $4,500)

Free Goldfish

Kansas City, Nov. 1.—Jay Means is offering free goldfish at the Oak Park. Long known as the chief user of premiums among suburbans, the Oak Park this week offered "2 fantail goldfish, 1 modernistic globe, 1 set jewels, 1 set plant, 1 box fish food."

All for the price of two or more adult tickets.

"Certain Age" Dual Good at New Haven

NEW HAVEN, Nov. 1.—"That Certain Age" and "Broadway Musketeers" took the lead last week with $8,300 at the Roger Sherman.

A second week of "Stablemates" and "Mysterious Mr. Moto" at the College grossed $3,600. A six-day engagement of "Straight, Place and Show" and "Five of a Kind" at the Loew-Poli took $6,700.

Estimated takings for the week ending Oct. 28:

"Stablemates" (M-G-M)
"Mysterious Mr. Moto" (20th-Fox)
COLLEGE—(1,499) (35c-50c) 7 days, 2nd week. Gross: $3,600. (Average, $2,500)

"Straight, Place and Show" (20th-Fox)
"Five of a Kind" (20th-Fox)
LOEW-POLI—(3,040) (35c-50c) 6 days. Gross: $6,700. (Average, $8,000)

"If I Were King" (Para.)
"When Were You Born?" (W. B.)
PARAMOUNT—(2,348) (35c-50c) 7 days, 2nd week. Gross: $3,300. (Average, $4,400)

"That Certain Age" (Univ.)
"Broadway Musketeers" (W. B.)
ROGER SHERMAN—(2,200) (35c-50c) 7 days. Gross: $8,300. (Average, $4,700)

Adjourn "Lynton" Case

Final hearing in the infringement suit brought by Edward Sheldon and Margaret Ayer Barnes against Moredall Realty Corp., owners of the Capitol, was adjourned again yesterday by Special Master Kenneth E. Walser to Nov. 15. The authors claim that the exhibition of "Letty Lynton" at the Capitol constituted an infringement on their play "Dishonored Lady." The hearings are held to determine profits earned by the picture at the Capitol.

Gypsy Lee to Play Loop

CHICAGO, Nov. 1.—Gypsy Rose Lee and her company have been booked for the RKO-Palace starting Nov. 11. Gene Autry will appear at the Palace starting Friday.

"Sisters" $7,000 Indianapolis Hit

INDIANAPOLIS, Nov. 1.—The Indiana reopening after a long summer's darkness, rang the bell with "The Sisters" and "Affairs of Annabel." The take was $7,000 and the bill was moved to the Apollo.

"Stablemates," plus "Vacation from Love," brought Loew's a powerful $10,000. The Circle took $6,000 on "Arkansas Traveler" and "Touchdown Army."

Estimated takings for the week ending Oct. 27-28:

"That Certain Age" (Univ.)
"Freshman Year" (Univ.)
APOLLO—(1,100) (25c-40c) 7 days, 2nd week. Gross: $3,000. (Average, $3,000)

"Arkansas Traveler" (Para.)
"Touchdown Army" (Para.)
CIRCLE—(2,800) (25c-40c) 7 days. Gross: $6,000. (Average, $4,500)

"The Sisters" (W. B.)
"Affairs of Annabel" (RKO)
INDIANA—(3,200) (25c-40c) 7 days. Gross: $7,000. (Average, $5,000)

"Stablemates" (M-G-M)
"Vacation from Love" (M-G-M)
LOEW'S—(2,800) (25c-40c) 7 days. Gross: $10,000. (Average, $7,000)

"Broadway Musketeers" (F. N.)
LYRIC—(2,000) (25c-40c) 7 days. Stage: Pepper Martin orchestra, plus vaudeville. Gross: $7,300. (Average, $8,000)

"Drums" Stand-Out At Montreal House

MONTREAL, Nov. 1.—"Drums" stood out as the top attraction in a dull week with a gross of $12,500 at the Capitol. It was the best take this house has had in a long time. The film was held.

The second week of "That Certain Age" at the Palace grossed $7,000, compared with $11,500 for the first week. "There Goes My Heart" drew $2,000 for its second week at the Orpheum after a first week at $4,500, while "Straight, Place and Show" accounted for $6,500.

Estimated takings for the week ending Oct. 29:

"Drums" (U. A.)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: $12,500. (Average, $9,500)

"Always Goodbye" (20th-Fox)
LOEW'S—(2,800) (25c-40c-50c) 7 days. Stage: Eight vaudevile acts. Gross: $6,500. (Average, $8,000)

"There Goes My Heart" (U. A.)
ORPHEUM—(919) (25c-35c-50c) 7 days, 2nd week. Gross: $2,000. (Average, $5,000)

"That Certain Age" (Univ.)
PALACE—(2,600) (25c-40c-55c-65c) 7 days, 2nd week. Gross: $7,000. (Average, $11,000)

"Straight, Place and Show" (20th-Fox)
PRINCESS—(2,272) (25c-35c-50c-65c) 7 days. Gross: $6,500. (Average, $7,000)

The Newsreel Parade

Italian soldiers returning from the civil war in Spain and the inspection of U. S. aircraft by President Roosevelt are leading items in the new issues of the newsreels, out yesterday. Highlights of football games cover the sports situation. The reels and their contents follow:

MOVIETONE NEWS—President inspects nation's air defense. Arab revolt in Palestine. Cowboys employ autos to roundup cattle. Maritime pact for labor peace. Imperial Valley canal opened. Girl ascends in balloon. Lew Lehr. Cardinal Mundelein departs for Vatican. Football games.

NEWS OF THE DAY—Roosevelt examines Army and Navy aircraft. Opening of the Imperial Valley irrigation canal. Radio broadcast causes war scare. British King and Queen visit hospital. Football games.

PARAMOUNT NEWS — Italian legions home from Spain. Expansion of air defense rushed. Roman Spa reopened. Dedication of new English hospital. *Deutschland* arrives safely. Children's pets blessed. Canadian schooner retains title. Football games.

RKO PATHE NEWS—Railroad controversy. Italian soldiers return home. U. S. air force inspected by President Roosevelt. Government evicts widow of Indian. British King and Queen at hospital dedication. Football games.

UNIVERSAL NEWSREEL—Radio play terrifies nation. Roosevelt inspects air defense. Italian soldiers return from Spain. Boating fashion show. Ford plant speeds production. Football games.

"Youth," Show Only Draw at Philadelphia

PHILADELPHIA, Nov. 1. — For the second straight week, first run business was light.

The best showing was made by "Youth Takes a Fling," with Freddie Bartholomew and Herbie Kay and his band at the Earle where the gross was $21,000. "There Goes My Heart" opened strong at the Aldine, but took only $11,000 on the week.

Estimated takings for the week ending Oct. 28:

"There Goes My Heart" (U. A.)
ALDINE—(1,300) (40c-55c-65c-75c) 7 days. Gross: $11,000. (Average, $8,160)

"Sing You Sinners" (Para.)
(2nd run)
ARCADIA—(600) (25c-40c-55c) 4 days, 2nd week. Gross: $800. (Average, 7 days, $2,800)

"Listen Darling" (M-G-M)
BOYD—(2,400) (40c-55c-65c) 6 days. Gross: $9,000. (Average, 7 days, $14,000)

"Youth Takes a Fling" (Univ.)
EARLE—(2,000) (25c-40c-55c) 6 days. Stage: Freddie Bartholomew in person; Herbie Kay's orchestra. Gross: $21,000. (Average, $14,000)

"Arkansas Traveler" (Para.)
FOX—(3,000) (40c-55c-65c) 7 days. Gross: $10,000. (Average, $14,000)

"The Sisters" (W. B.)
(2nd run)
KARLTON—(1,000) (25c-40c-55c) 7 days. Gross: $4,300. (Average, $4,000)

"That Certain Age" (Univ.)
(2nd run)
KEITH'S—(2,000) (25c-40c-55c) 7 days. Gross: $3,700. (Average, $4,000)

"You Can't Take It With You" (Col.)
STANLEY—(3,700) (40c-55c-65c) 5 days, 2nd week. Gross: $9,000. (Average, 7 days, $14,000)

"Stablemates" (M-G-M)
(2nd run)
STANTON—(1,700) (25c-40c-55c) 9 days. Gross: $8,000. (Average, 7 days, $7,000)

"Stablemates" Out Front at Omaha

OMAHA, Nov. 1. — "Stablemates" and "Mr. Chump" packed them in at the Omaha, grossing almost double normal. The bill was played five days after two days of "Hold That Co-Ed" and "Racket Busters" and the total for the week was $10,300. The "Stablemates" dual was held for a second week.

"That Certain Age" and "Blockheads" did exceptionally well at the Orpheum, pulling $10,600 in seven days.

Estimated takings for the week ending Oct. 26-27:

"A Man to Remember" (RKO)
"Affairs of Annabel" (RKO)
BRANDEIS—(1,200) (25c-35c-40c) 7 days. Gross: $3,400. (Average, $4,000)

"Hold That Co-Ed" (20th-Fox)
"Racket Busters" (W. B.)
(2 days)
"Stablemates" (M-G-M)
"Mr. Chump" (W. B.)
(5 days)
OMAHA—(2,200) (25c-40c) Gross: $10,300. (Average, $5,500)

"That Certain Age" (Univ.)
"Blockheads" (M-G-M)
ORPHEUM—(3,000) (25c-40c) 7 days. Gross: $10,600. (Average, $7,200)

Steele Again Exhibiting

CLEVELAND, Nov. 1.—Beryl Steele, who temporarily retired from exhibition last winter with the sale of the Kent and Ravenna to Schine, is back in the business again, having bought an interest in the Lincoln from Paul Cusdanovic.

"Sinners" Big With $17,500 At Washington

WASHINGTON, Nov. 1.—"Sing You Sinners" and "You Can't Take It With You" were the only local attractions to overcome last week's warm weather handicap. The Crosby film pulled $17,500 at Loew's Capitol with a stage show.

"You Can't Take It With You," in its fourth week at Warners' Metropolitan, was the only other attraction in the profit column. It took $6,000 in seven days.

Estimated takings, exclusive of tax, for the week ending Oct. 27:

"Sing You Sinners" (Para.)
LOEW'S CAPITOL—(3,434) (25c-65c) 7 days. Stage: Radio Kidoodlers, Three Swifts & Chester Hale Girls. Gross: $17,500. (Average, $16,500)

"Spawn of the North" (Para.)
LOEW'S COLUMBIA—(1,243) (25c-40c) 7 days. Gross: $4,000. (Average, $4,200)

"Too Hot to Handle" (M-G-M)
LOEW'S PALACE—(2,370) (25c-55c) 7 days. Gross: $8,500. (Average, $11,500)

"That Certain Age" (Univ.)
RKO-KEITH'S—(1,836) (25c-40c) 7 days, 2nd week. Gross: $6,500. (Average, $10,000)

"Garden of the Moon" (W. B.)
WARNERS' EARLE—(2,218) (25c-60c) 7 days. Stage: Stroud Twins, The Roxyettes. Gross: $12,300. (Average, $16,000)

"You Can't Take It With You" (Col.)
WARNERS' METROPOLITAN—(1,591) (25c-40c) 7 days, 4th week. Gross: $6,000. (Average, $4,000)

Short Subjects

"Fishing in the Fjords"

(Kinocentrelen-Sanders)

Cod fishing is the subject of this travelogue. During the season, the boats crowd a small area where the fish are running. Both line and net fishing are shown. After the catch, the fish are salted, cod liver oil extracted and the tongues used to prepare a Swedish delicacy. Running time, 10 mins. "G."*

"Midsummer in Sweden"

(Kinocentrelen-Sanders)

The traditional observance of Midsummer Eve in Sweden is caught in this subject. The gay ceremonies around the maypole, a regatta with rowboats seating 40 persons and the church ceremonies are shown. Running time, 10 mins. "G."*

"Dalecarlia"

(Kinocentrelen-Sanders)

Cooperative farms in Sweden are portrayed here. Simple peasant folk are shown spinning, churning and weaving with their primitive implements. The farms are operated on a community basis. Running time, 10 mins. "G."*

To Open at Birmingham

BIRMINGHAM, Nov. 1.—The Pantages will reopen Nov. 4 for the winter with vaudeville. Eddie Williams, former manager of the Strand, has been transferred to the Pantages.

Roxy to Play Capitol

Roxy basketball team will play the Capitol team tomorrow night at the Church of All Nations.

Out Hollywood Way

HOLLYWOOD, Nov. 1. — DANNY WEBB has been signed by WALTER LANTZ to do the comedy narration of the Universal cartoon, "Birth of a Toothpick" . . . "Parents on Probation" is the tentative title of the CHARLES RUGGLES-MARY BOLAND film at Paramount . . . BETTY GRABLE and WILLIAM HENRY will be co-starred in Paramount's "Campus Dormitory."

Republic has changed the name of CHARLES HOGG, 15-year-old singer, to BUDDY BAKER . . . EDGAR KENNEDY, having finished his role in "Wreckage," goes over to RKO to appear in a short directed by CHARLES ROBERTS . . . DELPHINE MEYER, daughter of FRED S. MEYER, has passed the bar examinations of California and will be admitted to practice this month.

✚

Casting—MARGARET LINDSAY "Always Leave Them Laughing," Warners . . . JO ANN SAYERS "Honolulu," M-G-M . . . HENRY ARMETTA "Fisherman's Wharf," Principal-RKO . . . LUCILLE BALL will head the cast of "Beauty for the Asking," RKO . . . KING BAGGOTT "Father Damien," M-G-M short . . . HENRY TRAVERS, JOHN LITEL, ELIZABETH RISDON and VICTOR JORY "Dodge City," Warners . . . MAY ROBSON "Yes, My Darling Daughter," Warners . . . FRANKLIN PANGBORN "Wife, Husband and Friend," 20th Century-Fox . . . LUCIEN LITTLEFIELD and MARION MARTIN "Plane 66," Universal . . . MARIA OUSPENSKAYA "Love Affair," RKO . . . ALAN HALE "Pacific Liner," RKO . . . DON ALVARADO "Cafe Society," Paramount . . . ANDY DEVINE and GALE SONDERGAARD "Never Say Die," Paramount . . . MAXIE ROSENBLOOM "Broadway Cavalier," Warners . . . CLAUDE RAINS "The Return of Dr. X" and "Yes, My Darling Daughter," Warners . . . GILBERT ROLAND "Juarez," Warners.

RUDOLPH FORSTER "Hotel Imperial," Paramount . . . WARD BOND and JACK MULHALL "Made for Each Other," Selznick International.

✚

Directors—DAVID HOWARD will direct RKO's "G-Dog," original story by EARL JOHNSON and GUY K. AUSTIN which BERT GILROY will produce . . . JAMES HOGAN switches from Paramount's "Persons in Hiding" to "Bulldog Drummond's Secret Police," with LOUIS KING replacing him on "Hiding" . . . RAY ENRIGHT on Warners' "Always Leave Them Laughing" . . . WILLIAM MCGANN draws "The Return of Dr. X," Warners . . . ROWLAND V. LEE assigned to direct "Son of Frankenstein," at Universal . . . LESLIE FENTON, director of M-G-M shorts, has been placed on features.

✚

Writers—ADELE COMANDINI has been signed by RKO to adapt BOOTH TARKINGTON'S "Little Orvie."

23 Plays on B'way.

Opening of "Danton's Death," a production by Orson Welles and John Houseman, at the Mercury tonight, and "Run, Sheep, Run," produced by Donald Blackwell and Raymond Curtis, at the Windsor tomorrow will bring legitimate stage plays on Broadway up to 23. Julien St. C. Chaqueneau opened "Waltz in Goose Step" at the Hudson yesterday.

"On Borrowed Time," after 320 performances, and "Dame Nature," after 48, are scheduled to close Saturday. Three WPA productions are also on view with "Prologue to Glory" set to close after 167 performances.

Meltzers Sue Continental

CHICAGO, Nov. 1.—Aaron and Sol Meltzer today filed suit in Superior Court for an injunction to restrain Continental Properties, a corporation headed by Harry and Elmer Balaban, Morris Leonard and Milton Spitz, from taking over the Milford on Chicago's Northwest Side.

Broadway Theatres to Announce Election Returns During Shows

First run theatres along Broadway will announce election returns at intervals as results are received on Election Day. Several extra shows are planned, but in some cases the decision will be made on the basis of business during early evening hours.

The Roxy will add one stage show and two feature showings and will remain open until 2 A.M. instead of midnight. The Paramount will add one complete show, and the Strand will have a late showing of the feature. The Music Hall, Astor and Capitol will not add to their usual schedule and the Rivoli, Rialto and Criterion will decide according to box-office receipts during the day.

Al Donahue, who heads the stage show at the Strand, will announce returns there. At the Paramount, slides will be flashed on the screen, while the others will use the public address system between films. The only house which has decided not to report on returns is the Astor. A radio will be provided in the lounge for patrons at the Criterion.

Home offices have set no closing hours on the holiday but the usual 1 P. M. closing is expected. Theatre employes will be on duty all day but those on the early shift will receive one hour off to vote.

"Youth Takes" And Show Big K. C. Grosser

KANSAS CITY, Nov. 1.—Despite warm weather, "Youth Takes a Fling," with Veloz & Yolanda on the stage, grossed $14,600 at the Fox Tower.

"That Certain Age," shown simultaneously at the Fox Uptown and Esquire for the second week, did $4,000 at the first house and $3,400 at the second, almost equaling the aggregate take of the first week.

Estimated takings for the week ending Oct. 26-27:

"That Certain Age" (Univ.)
ESQUIRE—(800) (25c-40c) 7 days, 2nd week. Gross: $3,400. (Average, $3,000)

"Listen Darling" (M-G-M)
"Flight to Fame" (Col.)
MIDLAND—(4,000) (25c-40c) 6 days. Gross: $8,500. (Average, 6 days, $10,000)

"Arkansas Traveler" (Para.)
NEWMAN—(1,900), 25c-40c) 7 days, 2nd week. Gross: $6,500. (Average, $7,000)

"That Certain Age" (Univ.)
UPTOWN—(2,000) (25c-40c) 7 days, 2nd week. Gross: $4,000. (Average, $4,000)

"The Mad Miss Manton" (RKO)
ORPHEUM—(1,500) (25c-40c) 8 days. Gross: $4,800. (Average, $5,500)

"Youth Takes a Fling" (Univ.)
FOX TOWER—(2,200) (25c-35c-55c) 7 days. Stage: Veloz & Yolanda, Jerry Shelton, Lew Parker & Co., Dolly Kay and Wilfred Dubois. Gross: $14,600. (Average, $8,000)

"Certain Age" Up In Buffalo Slump

BUFFALO, Nov. 1.—"That Certain Age" was outstanding in a week of only mild activity. It gleaned $14,000 for the Lafayette, where $6,300 is normal, and was held over.

"Boys Town" played its third week at the Hippodrome at a $6,900 pace. "King of Alcatraz" and "Campus Confessions," earned $7,600 at the Century.

Estimated takings for the week ending Oct. 29:

"If I Were King" (Para.)
BUFFALO—(3,000) (30c-50c) 7 days. Gross: $11,500. (Average, $12,000)

"Arkansas Traveler" (Para.)
GREAT LAKES—(3,000) (30c-50c) 7 days. Gross: $5,900. (Average, $7,500)

"Boys Town" (M-G-M)
HIPPODROME—(2,500) (25c-40c) 7 days, 3rd week. Gross: $6,900. (Average, $6,800)

"King of Alcatraz" (Para.)
"Campus Confessions" (Para.)
CENTURY—(3,000) (25c) 7 days. Gross: $7,600. (Average, $6,000)

"That Certain Age" (Univ.)
LAFAYETTE—(3,300) (25c) 7 days. (Held over). Gross: $14,000. (Average, $6,300)

Variety Club

Philadelphia

PHILADELPHIA, Nov. 1.—Reservation for 1,100 have been received for the fourth annual banquet of Tent 13 at the Bellevue-Stratford Hotel, Dec. 11. An 88-page tabloid will be printed with many national figures as contributors. James J. Walker will be toastmaster, Ted Lewis, ringmaster, and former Governor Hoffman of New Jersey will read the club creed.

James P. Clark is banquet committee chairman.

Radio Intends Big Coverage For Elections

(*Continued from page 1*)

Ralph Edwards. NBC has hired Raymond Clapper, United Press political columnist, to head its elections staff, with Graham McNamee as Clapper's assistant. Frank Singiser, Dave Driscoll and Tom Goodwin will comprise Mutual's election staff, plus Fulton Lewis, Mutual's Washington political commentator, who is coming to New York to cover the election for his network.

In addition to election bulletins, the networks will present talks of the victorious candidates in the states where elections are being held, and by the chairmen of the major political parties, James A. Farley and John D. Hamilton. In the event the elections are not decided before network closing time, 1 A. M., the networks will remain on the air until decisive news is available.

Station Pleas Up For FCC Hearings

WASHINGTON, Nov. 1.—Hearings on broadcasting applications have been scheduled by the Federal Communications Commission for the current week, as follows:

Nov. 2, before an examiner: Applications of Cuyahoga Valley Broadcasting Co. for a 1,500-kilocycles, 100-watt, daytime station at Cleveland, and WHAI, Greenfield, Mass., for extension of time from day to unlimited with 100 watts power night, 250 watts day.

Nov. 3, before the commission: Contesting applications of Mountain Top Trans Radio Corp. and F. W. Meyer for a 1,310-kilocycle station at Denver, with 100 watts power night, 250 watts day; and applications of R. C. Atwood for a 1,500-kilocycle station at Port Angeles, Wash., with 100 watts night, 250 watts day, and Inland Empire Broadcasting Co. for a 1,310-kilocycle station at Pasco, Wash., with 100 watts power.

Nov. 4, before an examiner: Application of Summit Radio Corp. for a 1,530-kilocycle, 1,000-watt station at Akron.

Protests Continue On Horror Program

WASHINGTON, Nov. 1.—Protests on the CBS "War of the Worlds" program were still pouring in on the Federal Communications Commission, it was stated today. Protests are also arriving against blood and thunder features on so-called children's programs.

Members of Congress are receiving communications on the subject.

WHN Closes Two Deals

Silver Pine Manufacturing Co., has signed for 13 weeks of announcements over WHN through Dundes & Frank, Inc. A similar contract for Railway Express Agency was placed through Caples Co.

▸ *Radio Personals* ◂

KEN COFOD of the March of Time production staff is the father of a boy, born at Jamaica Hospital . . . Joey Nash returns to the airways tomorrow when he starts a new three times weekly program over WHN . . . Jean Arthur will be guest on the Chase & Sanborn show Sunday.

✚

Pittsburgh

Mary Martha Briney, KDKA singer, has been signed to a management contract by NBC . . . It's a girl at the Bob Carters. He sings over WCAE with Earl Truxell's orchestra and over KDKA with Fran Eichler's . . . Carl Dozer has quit the WCAE announcing staff for a post in the station's sales department . . . KDKA is looking for a site within 10 miles of downtown for its transmitter in order to increase its signal strength in the metropolitan area . . . The drama critics all praised Bob McKee, chief announcer at WCAE, for his performance in "It Can't Happen Here" at the Playhouse.

WHOM Head Denies Anti-Semitic Charge

Joseph Lang, part owner of WHOM, local station which recently was before the Federal Communications Commission for allowing the broadcast of foreign language programs allegedly containing attacks against Jews and praise of Fascist Italy, has issued a statement denying the general charges, but admitting that inadvertently an Italian speaker made statements in "violation of principles."

Pointing out that he himself is a Jew, Lang states it is not logical to assume that WHOM, in view of its large listening audience of Jews, would countenance anti-Semitic propaganda. The station broadcasts 12 hours of Jewish programs weekly, he states. It has contributed time to the American Jewish Congress, United Palestine Appeal, and other Jewish institutions.

Lang declared the employe "responsible for the supervision of the script has been suspended pending an investigation of the slip. Immediately after the broadcast when complaint was registered the program in question was cancelled, before any notification of protest was received by us from the F. C. C. The program will not return to WHOM."

Three Take WQXR Time

New business on WQXR includes participation in the "Breakfast Symphony" hour by Lewis & Conger, seven days weekly for 13 weeks, through Fuller, Smith & Ross; transcriptions for Nash Automobiles, through Geyer, Cornell & Newell, and announcements for Railway Express Agency, through the Caples Co.

Weed Agent for KABR

Weed & Co., national representatives, have been appointed agents for KABR, Aberdeen, S. D. The station is owned and operated by the Aberdeen Broadcasting Co., and recently opened a new 1,000-watt transmitter.

Helping Hand

One of the rare instances of rival radio networks working together for common cause came about as a result of the hornets nest CBS ran into in putting on the Orson Welles broadcast. Following the stream of headlines, Lenox R. Lohr, president of NBC, met with William S. Paley, president of CBS, with Lohr pledging any assistance that NBC might render CBS.

NBC Television Inspected Daily By 500 Visitors

NBC's regularly conducted television tour service, opened to the public last September, is attracting approximately 500 persons a day. Admission is 55 cents.

This is admittedly a poor turnover, as the regularly conducted studio tour service is doing more than twice that, but the figures do not necessarily indicate public apathy toward television. NBC to date has done very little to promote the television tour and it was not opened until the end of the tourist season.

During September, the first month of operation, an average of 455 tourists daily inspected NBC's television, a total of about 13,000. In October the attendance increased to 530 daily. The studio tour for the same months accounted for about 1,500 paid guests a day.

NBC, however, expects to develop the television tour into a bonanza during the World's Fair, and is making preparations accordingly. The capacity of the television tour as it is now conducted is 200 guests per hour, and the guest relations department is working on a system that will step up the capacity to about 700 per hour. It is estimated that during the year of the World's Fair, NBC's television tour will accommodate 500,000 paid tourists, with the studio tour expected to take care of 1,000,000.

Fidler P. & G. Show Will Shift to CBS

Jimmy Fidler, now broadcasting for Procter & Gamble on NBC, will shift his Hollywood gossip program, for the same sponsor, to a CBS network, starting Nov. 15. Acquisition of the Fidler program gives CBS five Procter & Gamble accounts.

For his new show, Fidler will have a hookup of 58 stations. His broadcast time will be Tuesdays from 7:15 to 7:30 P.M. H. W. Kaster is the agency.

Back Safety Campaign

MEXICO CITY, Nov. 1.—One hundred and five Mexican radio stations have formed a network to support the national health and industrial safety drive, Nov. 6 to 13.

Crowninshield on Air

Frank Crowninshield, who edited *Vanity Fair* for 25 years until that magazine folded two years ago, will be presented by NBC in a series of talks titled "Vanity Fair,"

Banner LINES

EVEN a radio editor was taken in by that Welles broadcast. "Dinty" Doyle of the *Journal-American* excitedly called the network and wanted the lowdown on the Martian invasion.

▼

Listeners' Digest, *a new radio mag, is now in formation, with the first issue scheduled to be on the newsstands next month. Styled like* Readers' Digest, *it will offer condensations of radio talks and commentaries. George Eggleston, formerly of NBC, is behind it.*

▼

Martin Starr of WMCA has received a letter from Federal Judge John C. Knox complimenting Starr for his excellent radio commentaries on the spy trial proceedings.

▼

Too many persons have been jokingly calling Bill Meloney, of the Ted Collins office, "Bill Beloney." So Bill's now changing the pronunciation of his name so that it rhymes with "melody."

▼

Kate Smith, of all people, is an avid purchaser of sweepstakes tickets. Just what Kate would do with the money if she won a prize is a mystery.

▼

Doris Rhodes, the CBS singer, spent an exasperating day yesterday. She started by spraining her ankle, then lost her pocketbook in a taxicab, and on the way to her broadcast developed a sore throat, so that her broadcast was cancelled.

—JACK BANNER

Fitzpatrick Plans Program for Buick

James A. Fitzpatrick, now preparing to film a series of "All-American" travel talk pictures, has been negotiating with Campbell-Ewald Co., for a series of radio broadcasts for the Buick Motor Co., to be given in conjunction with the filming of the travel pictures. Contract for the broadcasts is expected to be signed today.

These radio broadcasts are intended to be in the nature of salutes to each of the cities selected for travel talk treatment. The format is similar to that employed by Major Bowes, who each week, for the Chrysler Motor Co., recounts the historical background and the present civic achievements of an "honor city."

Broadcast details are not yet settled, as they must await completion of Fitzpatrick's touring plans. Fitzpatrick's tour so far is planned to include St. Augustine, Miami and New Orleans. The balance of the schedule is not set but would possibly take in California, the northwest, Alaska and New England cities.

Mayo WABC Salesman

Walter Mayo, assistant to Bernie Procter in the CBS sales service department, has been advanced to WABC time salesman under Arthur Hayes. John Montmeat of the accounting department has been promoted to Procter's assistant.

FILE COPY
DO NOT

Alert.
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 44. NO. 88 NEW YORK, THURSDAY, NOVEMBER 3, 1938 TEN CENTS

NBC to Show Auto Selling By Television

Invites Manufacturers To Demonstration

First attempt to attract commercial interests to television has been taken by NBC, with the network inviting automotive manufacturers to attend a special television demonstration intended to show some of the ways in which television can be used to sell automobiles and accessories. The demonstration will be staged in the NBC television studios next Thursday.

This latest gesture to demonstrate the practicability of television follows the recent statement of David Sarnoff, head of RCA, to the Radio Manufacturers' Association that television is now a reality, and that NBC-RCA would be televising regularly in time for the opening of the New York World's Fair.

NBC's invitation states that the network hopes to televise some of the new automobile models for them, and to illustrate by means of special exhibits the adaptability of television to a visual presentation of new car features and refinements.

It is presumed that NBC will stage further demonstrations for the makers

(*Continued on page* 5)

Carolina Owners Will Meet Dec. 4

CHARLOTTE, N. C., Nov. 2.—Theatre Owners of North and South Carolina will hold their annual convention at the Hotel Charlotte here Dec. 4 and 5.

The committee on arrangements includes Roy Smart, F. H. Beddingfield, George W. Parr, E. L. Hearne, W. T. Culpepper and H. E. Wessinger.

Warner Citation

Hollywood, Nov. 2.—Harry M. Warner will be awarded an American Legion citation for "his outstanding contribution to Americanism and his patriotic service to his country" at a meeting of Legionnaires, Disabled American Veterans of the World War and Americanism Educational League, Nov. 20 at Warners' Hollywood.

Believe It or Not

Clark-Hooper, Inc., radio survey firm, reports the home listeners to the "Men from Mars" broadcast, Sunday night, was only two per cent, while Charley McCarthy garnered 80 per cent.

Film Exchanges Are Obeying the Wages-Hours Law

Film company exchange operations are within the Federal wage and hour law and few adjustments have been necessary to conform operations to the new provisions, home offices reported yesterday.

A survey made by 20th Century-Fox of all branches disclosed that they are well within the law, the work week ranging from 39 to 44 hours. All branch managers have been advised of the law's provisions.

A similar situation prevails with all companies. Generally, employes receive more than the law's 25-cent-an-hour minimum and work no more than the 44-hours-a-week maximum.

Exchange employes, including bookers, inspectors, shippers and poster clerks, are covered by the 10-year basic contract with the Exchange Employes Union, I.A.T.S.E. affiliate. This agreement provides for 40 hours a week, with overtime at time and a half. The wage minimum is 40 cents an hour. Inspectresses, under this pact, are paid from $16 to $22 a week. About 5,000 workers are covered by the agreement.

The only possible exemptions are head bookers, who are considered executives, but it is said that their working conditions are within the law. Salesmen are exempt under the ruling of the wage and hour administration

(*Continued on page* 4)

Probe of Film Labor In England Possible

LONDON, Nov. 2.—T. J. O'Brien will head a deputation from the National Association of Kine and Theatrical Employes to the Ministry of Labor tomorrow to discuss the advisability of a public inquiry into labor conditions in the film industry.

It is expected also that the question will be brought up in the House of Commons tomorrow.

Radio—Page 5

NEELY THREATENS NEW BOOKING BILL

MPTOA Convention Gets Word of Plans from A. J. Brylawski

OKLAHOMA CITY, Nov. 2.—Regardless of the current trade practice conferences and the pendency of the Government suit Senator James Neely has declared that he will re-introduce his anti-block booking bill in the Senate at the next session of Congress in January, the M. P. T. O. A. convention here was informed today by A. Julian Brylawski of Washington, D. C.

"We will have this fight to make all over again when Congress convenes," the M. P. T. O. A. vice-president said.

"In spite of the best efforts of this organization the Neely Bill passed the Senate in the last session of Congress and was defeated and left in committee in the House only in a last minute rush," Brylawski declared.

In explaining how Senator Neely came near to securing passage of the bill at the last session, Brylawski said the Senator frankly announced that

(*Continued on page* 4)

Cowdin Leaves London; Odeon Deal Delayed

LONDON, Nov. 2.—J. Cheever Cowdin, chairman of Universal, sails on the *Normandie* Saturday, arriving in New York Wednesday. His departure probably indicates that the $40,000,000 Odeon (Deutsch)-G.B.-General Theatres (Lord Portal-Arthur Rank-C. M. Woolf) merger is far from being concluded. It may possibly be three months or more before the deal can be firmly sewed up.

That it is still in the embryo is confirmed perhaps by the fact that neither 20th Century-Fox nor M-G-M have had official notification on the deal, and it is presumed that these firms, substantial owners of G.B., would be notified were the deal on the brink of being effected.

In the meantime, there is some talk about G. T. (Woolf) casting a possessive eye at the Paramount company's Astoria chain. However, this may be just one of those things. Apparently every theatre circuit owner in London, at one time or another, has thought about the same thing, of his own accord or otherwise.

Definite Results From Trade Talks, Myers Tells ATO

INDIANAPOLIS, Nov. 2.—"Definite results" will come from the Allied States' trade practice conferences with the distributors' negotiating committee, Abram F. Myers, Allied board chairman and general counsel, assured the Associated Theatre Owners of Indiana at their annual convention here this afternoon.

Myers was principal speaker. He left for Chicago tonight to attend the trade practice conferences which resume there Thursday. Indiana will be represented there by Maurice Rubin, president; I. R. Holycross, vice-president, and V. U. Young, a director.

Officers were reelected by the directors. They are Rubin, Holycross, Frank B. Sanders, treasurer; Don R. Rossiter, executive secretary; Mrs.

(*Continued on page* 4)

G. S. Wright Aiding With Dallas Appeal

George S. Wright, attorney for the Interstate Circuit, is in New York from Dallas to work with Paramount counsel on the briefs which will be filed with the U. S. Supreme Court before the end of the month in connection with the appeal on the Interstate contract case. Wright will work with Thomas D. Thacher of Simpson, Thacher & Bartlett while here.

The appeal is expected to be heard by the Supreme Court late next month. It involves the legality of contract clauses regulating admission prices and double featuring in connection with the exhibition of specifically designated pictures.

Six for Two Bits

Omaha, Nov. 2.—Six features for 25 cents is the latest at the Town, owned by R. D. Goldberg. The house usually shows triple bills but went to four one day and had two more in a midnight show.

That means about seven hours of films for a quarter!

Purely Personal

DAVID POLLACK, former member of the service organization of Western Electric in Great Britain, who represented Erpi in South Africa for two years, has sailed for Port of Spain, Trinidad, as representative of W.E. of Cuba.

●

S. Charles Einfeld, in charge of Warner advertising and publicity, will arrive from the coast tomorrow for home office conferences. He is expected to remain in the east two weeks.

●

Emanuel Silverstone, member of the United Artists board and American business representative for Alexander Korda, plans a tour of United Artists exchanges in about two weeks.

●

Alma Lloyd will arrive in New York today from the coast. She will meet her parents, Mr. and Mrs. Frank Lloyd, when they arrive from Europe Nov. 12.

●

Dick Chapman, director of location for Audio, was injured last week by a falling lamp while working at the Ford plant at Dearborn.

●

Stephen Pallos, London Films sales manager, sails for England tomorrow on the *Queen Mary* after a two-month visit.

●

S. Barret McCormick, RKO advertising and publicity director, arrived in New York from the coast yesterday.

●

Aldyth Reichenbach, secretary to Barney Balaban, has been on vacation this week.

●

William P. Phillips, vice-president of United Artists Theatre Circuit, is due from the coast next week.

●

Phillips Holmes arrived on the *Paris* yesterday after a seven-month stay in England.

●

Clinton M. White, assistant general manager of G.B., has left for a 10-day trip to midwest exchanges.

●

Arthur Greenblatt, G.B. eastern division manager, is at the Boston office for a few days.

●

R. H. Poole and Albert Galston, officials of the I.T.O. of California, have returned to Los Angeles.

●

Earl Carroll left for the coast last night on the United Air Lines' Continental.

●

Willard S. McKay, attorney, left last night for Montreal.

Walsh to Pinehurst

Joe Walsh, director of RKO Pathe Sportscopes, will leave for Pinehurst, N. C., tomorrow to arrange for shooting a one-reeler on archery. He returns today from Philadelphia where he and Larry O'Reilly made sequences for "Sport Aviation."

Insiders' Outlook

DUD rating was given the Motion Pictures Greatest Year campaign and the "Movie Quiz" contest by H. A. Harvey, San Francisco exhibitor, in a "get-it-off-your-chest" session at the M.P.T.O.A. convention in Oklahoma City yesterday.

"The whole thing is all wet," said Harvey, "and was rammed down our throats. The contest is a dud."

Thomas James, St. Louis exhibitor, added his criticism that the small exhibitor is at a disadvantage in the contest.

▼ ▼

As yet, neither officials of United Artists nor attorneys for stockholders of the company are certain that the annual meeting of stockholders of U.A., will be held on Nov. 9, as scheduled.

▼ ▼

Willard McKay, former Universal attorney, represents Edward Peskay and Prefect Theatres, in the argument which Prefect has with Skouras Theatres, regarding clearance on the Peskay-owned Greenwich Theatre, in Greenwich. Peskay used to work for Skouras, and the Greenwich once was leased to RKO.

▼ ▼

Earl Wingart of 20th Century-Fox is on the lookout for veterans of the famous U. S. "splinter fleet" submarine chaser patrol, of the World War, to extend to such of these who are presently employed in the film industry, invitations to attend a preview of the company's picture, "Submarine Patrol," which will be held on the evening of Nov. 17, at the home office theatre, 444 West 56th St. Sixty-five veterans of the famous submarine chaser patrol have already been invited.

▼ ▼

Insofar as can be determined, the Rivoli, on Broadway, under terms of its deal with Universal, guarantees the film company 26 weeks of playing time. Universal might have obtained 10 weeks playing time from the Roxy, but chose the Rivoli deal instead.

Chase Sells 3,500 Shares of 20th-Fox

Washington, Nov. 2.—Disposition by the Chase National Bank, New York, in September, of 3,500 shares of 20th Century-Fox common stock was disclosed today in the semi-monthly report of the Securities and Exchange Commission. At the close of the month, it was shown, the bank still held 337,358 shares of the film company's common stock and 681,916 shares of the $1.50 cumulative preferred.

The 20th Century-Fox transaction was the largest of three reported by the commission, the others being the disposition of 200 shares of Loew's common stock by Edward A. Schiller, reducing his holdings to 400 shares, and the disposition of 200 shares of Pathe Film common stock by Gurdon W. Wattles, New York, who still held 600 shares at the end of September.

Disposition by gift of 350 shares of Class B Columbia Broadcasting stock was reported by Isaac D. Levy, Philadelphia. At the close of the month he held 23,115 shares of the Class B and 63,200 shares of Class A stock.

Date RKO Sales Drives

Six special weeks have been set aside by RKO division managers for Jules Levy sales drives. The first, from Oct. 29 through Nov. 4, is already under way in Walter Branson's midwestern district. The others will be: Nov. 5-11, western district, in charge of H. C. Cohen; Nov. 12-18, southeastern district, H. M. Lyons; Dec. 3-9, southwestern district, Sol M. Sachs; Dec. 10-16, northeastern district, Herb MacIntyre; Dec. 10-16, east central district, Nat Levy.

S.M.P.E. Concludes Detroit Convention

Detroit, Nov. 2.—Society of Motion Picture Engineers concluded its three-day fall convention at the Hotel Statler today.

Two sessions featured the day's activities, one this morning on studio lighting and the theatre, and a general session this afternoon.

During the earlier session the report of the Studio Lighting Committee was read by C. W. Handley, chairman, and that of the Projection Practice Committee by H. Rubin, chairman of that group. Technical papers included: "The Evolution of Arc Broadside Lighting Equipment," by P. Mole of Mole-Richardson; "The Lighting of Theatre Interiors," by F. M. Falge, General Electric, and "Coordinating Acoustics and Architecture in the Design of the Motion Picture Theatre," by C. C. Potwin, Erpi, and Ben Schlanger.

Many Papers Read

The final session of the meeting heard the following papers: "A Machine for Artificial Reverberation," by S. K. Wolf; "A Super Sound and Picture Printer," by O. B. Depue; "New Sound Recording Equipment," by D. R. Canady and V. A. Welman; "A Silent Wind Machine for the Production Stage," by F. G. Albin; "Independent Drive for Camera in the A-C. Interlock Motor System," by F. G. Albin; "A Semi-Automatic Follow-Focus Device," by J. Arnold; "The Evaluation of Motion Picture Films by Semimicro Testing," by J. E. Gibson and C. G. Weber and "The Stability of the Viscose Type of Ozaphone Photographic Film," by A. M. Sookne and C. G. Weber.

U.S. Expected to Oppose Moves for Trust Case Detail

Government attorneys are expected to oppose part of the demand for a bill of particulars in the anti-trust suit at the hearing before Federal Judge William Bondy Nov. 10 on the gro[illegible] that granting the demand will compel the Government to reveal the names of witnesses before the trial. The demand seeks the names of all persons or firms which were affected by the alleged monopolistic practices.

It is also regarded as unlikely that the Government will be in a position to furnish all information at this time in view of the fact that the investigation is still under way. Attorneys from Washington, together with F.B.I. agents, are working in the Metropolitan area to obtain additional evidence and it is anticipated that this activity may continue for some time. Evidence of conferences is sought to assist in proof of the conspiracy charge.

The demand for the particulars seeks to compel the Government to set forth all information now available with a further specification that the defendants be notified within 30 days when further evidence is obtained. Under the rules, no testimony may be introduced which has not previously been furnished in the bill of particulars.

Want Cooper as Lincoln

Chicago, Nov. 2.—Gary Cooper arrived here today en route to New York and, by arrangement of Sam Goldwyn's publicity staff, received a petition signed by 800 Grinnell college students, his alma mater, asking that he play the lead in the film version of "Abe Lincoln of Illinois." From here Cooper goes to New York, arriving tomorrow. He will sail on the *Queen Mary* Friday for a vacation.

To Talk Teaching Films

London, Nov. 2.—British Film Institute will collaborate with the educational authorities of London in a conference on Friday on the screen in education.

MOTION PICTURE
DAILY

(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

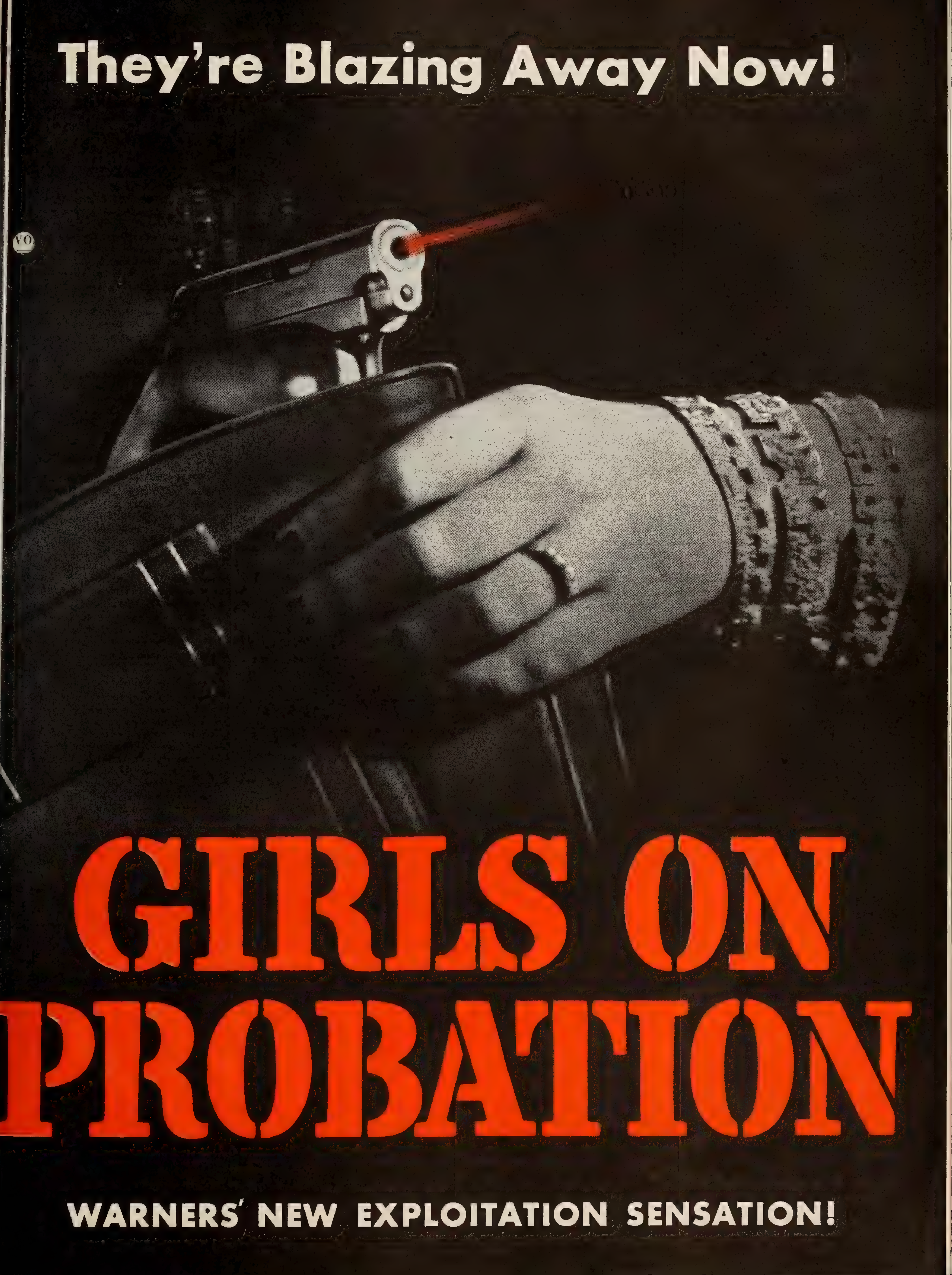
Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: Motion Picture Herald, Better Theatres, Teatro al Dia, International Motion Picture Almanac and Fame.

BUREAUS:—*Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c


They're Blazing Away Now!
GIRLS ON PROBATION
WARNERS' NEW EXPLOITATION SENSATION!

Neely Plans Booking Bill Next Session

(*Continued from page* 1)

he would refuse to support the bills of any of his colleagues who refused to vote for his anti-block booking bill.

The following resolutions were presented for adoption by the committee of which Arthur H. Lockwood of Middletown, Conn., was chairman: A criticism of the Department of Justice for failure to press the pending monopoly action against Aşcap; a criticism of radio competition in "unfair" air shows; a denunciation of the exchange of information between branch managers in each zone; a demand that concessions from producers and distributors be made to apply to current contracts if and when such concessions materialize; a reaffirmation of M.P.T.O.A.'s 10-point plan in the form now being negotiated with distributors, and including a condemnation of score charges; a condemnation of the Neely-Pettengill Bills in their present form, and of the principle of Government regulations of the industry.

Definite Results From Trade Talks, Myers Tells ATO

(*Continued from page* 1)

Norma Campbell Todd, Indianapolis, recording secretary.

Regional vice-presidents elected are H. Lisle Kreighbaum, Rochester, first district; Leonard Sovar, Muncie, second district; Harry Markum, Indianapolis, third district; Roy Harrold, Rushville, fourth district; Herbert H. Johnson, Madison, fifth district.

The convention closed tonight with the annual banquet.

Star Sues on Print Loss

Star Safety Film, Inc., filed suit in the N. Y. Supreme Court yesterday against Film Center Building Corp., Prudential Film Distributing Corp., East Side Film Distributing Corp. and Film Carriers' Association, Inc., for $15,000 damages. The complaint alleges that a number of prints were stolen from the plaintiff's premises and that the loss was the result of the defendants' negligence.

Dinner for Schlesinger

About 75 Warner theatre executives and zone managers, including a number from Philadelphia and Atlantic City, attended a bachelor dinner for Leonard Schlesinger at the Ritz Tower last night. Schlesinger is assistant to Joseph Bernhard. He will be married tomorrow to Rose Coyle of Philadelphia.

Lusty Resigns from RKO

HOLLYWOOD, Nov. 2.—Lou Lusty, RKO producer, resigned today, effective Dec. 1. His new affiliation has not yet been determined.

New York Preview

"The Great Waltz"

(M-G-M)

"The Great Waltz" will linger in the memories of all who see it. It has many of the lovely melodies that have become classics in the 90 years since Johann Strauss broke with Viennese tradition; it has something more—a lively story into the moods of which the selections blend, a strong cast to make the developing drama seem real, and a fine use of camera technique.

Strauss, played by Fernand Gravet, is shown when he is discharged from a bank for scratching music notes instead of checking balances. He goes to the bakery where his childhood friend, Luise Rainer, is working. From there the story traces his rise after organizing his first orchestra of volunteer musicians. Miliza Korjus, as Carla Donner, famous Viennese opera singer, becomes interested in him, and introduces him to high society.

From his first success to the climax of his career after the Austrian Revolution of 1848 he is torn between his fascination for the singer and his deep love for his self-effacing wife. The singer leaves him after his opera success and the story closes with Strauss being received by Emperor Franz Josef 30 years after their first meeting. As the Emperor and Strauss stand on a balcony, a magnificent chorus sings a melange of Strauss compositions, among which can be recognized the "The Blue Danube" waltz. His aging wife waves pathetically to Strauss from the crowd. It is a strikingly effective finale.

Julien Duvivier, the director, has used a drive through the Vienna woods, with the sounds of shepherds' horns, of birds, of a harmonica played by a coachman as the source of the inspiration for "Tales of the Vienna Woods." The theme is developed pictorially until the completed selection is played by a woman's orchestra. Something slightly different, with Strauss sitting on a quay beside the Danube after his farewell from Miss Korjus, is presented as the inspiration for "The Blue Danube."

Adding to the tonal beauty of these and other selections by pictorial movement is no small achievement.

Gravet does a splendid acting job as Strauss. Miss Korjus sings magnificently and has considerable personal charm. Miss Rainer seems at first to be reminiscent of "The Great Ziegfeld" in her conception of the wifely role, but she displays unforgettable dramatic power when she faces Miss Korjus and lets Gravet make his choice.

Hugh Herbert, Lionel Atwill and Herman Bing also are outstanding. Al Shean makes an impression in a minor role.

Exhibitors may have some difficulty in devising their exploitation campaigns, but once they get their first audiences in their problems will be ended. Word of mouth advertising will do the rest.

Running time, 102 minutes. "G."*

J. M. JERAULD

**"G" denotes general audience classification.*

Metzers Seeking to Regain Milford Theatre, Chicago

By BILL CROUCH

CHICAGO, Nov. 2.—Aaron and Sol Metzer have filed suit in Superior Court asking an injunction against Continental Properties Corp., headed by Harry and Elmer Balaban, Morris Leonard and Milton Spitz, to restrain them from taking over the Milford on the Northwest side. The plaintiffs are seeking to regain possession of the theatre.

▼

William Pereira of Pereira & Pereira, theatre architects, is in Hollywood making arrangements with studios for material to use in the Architect's Ball at the Drake Hotel Dec. 2.

▼

Steve Fitzgerald, Richard Barry and Ben Cohn, Warner theatre managers here, shared in the prizes awarded for the best campaigns on "Yellow Jack" and "White Banners." Fitzgerald received $100, while Barry and Cohen were given $50 each.

▼

J. H. Hoffberg has left for New York after making plans for an exchange here. The new branch will be called Special Attractions, Inc., and will have Archie Spenser in charge.

▼

William K. Hollander, publicity and advertising director of B.&K., is in New York conferring with Paramount and other major company officials.

▼

Louis Blaine, former RKO theatre press representative here, has left for Hollywood to enter John Joseph's publicity department at Universal studios.

Film Exchanges Are Obeying the Wages-Hours Law

(*Continued from page* 1)

covering workers engaged as outside salesmen.

Increased costs will, however, result in instances when home of[illegible] staffs work overtime, which is paid for at time and a half. Additional employes may be required in some cases to avoid overtime.

The new law is not affecting Republic or Monogram. Republic operates on a franchise basis and application of the law is the responsibility of the individual branch operators. Monogram has its own exchanges only in New York, Washington and Philadelphia, with a 41½-hour week in effect. Monogram's other exchanges are individually owned.

"Movie Quiz" Gains 1,000 Entries Daily

With the "Movie Quiz" contest at the halfway mark, entries are being received from contestants at the rate of 1,000 daily, according to Jack Todd of Radio and Publications Contest Co., which is handling the contest.

No estimates are available as to the total number of entrants to date. It was stated, however, that an abrupt increase is expected later this month, with the returns reaching their peak in December. At this point, New York and California are leading in the number of entrants.

To Take UA Deposition

Stipulations providing that depositions of Carter DeHaven and Max Munn Autrey be taken in Los Angeles on Dec. 15 in behalf of United Artists Corp. in connection with the plagiarism suit brought against it and Charles Chaplin were filed in the U. S. District Court yesterday. Films Sonores Tobis, Societe Anonyme, the plaintiff, charged plagiarism of its picture, "A Nous La Liberte" in the picture, "Modern Times," and is seeking an injunction, damages and an accounting.

RKO Sets Two Titles

HOLLYWOOD, Nov. 2.—RKO has set two temporary titles as final. One is "Pacific Liner" on the Victor McLaglen picture and the other is "Arizona Legion" on a George O'Brien film.

Fleming Directing "Oz"

HOLLYWOOD, Nov. 2.—M-G-M has assigned Victor Fleming to the direction of "The Wizard of Oz," replacing Richard Thorpe, who was forced to leave the film because of illness.

Paramount Signs Krupa

HOLLYWOOD, Nov. 2.—Paramount has signed Gene Krupa and his orchestra for a picture. Krupa, jazz band drummer, will play a leading role in the film, to be produced by William C. Thomas.

Bernstein Reopens Ritz

MANSFIELD, O., Nov. 2.—Ritz, independent house owned and operated by Sol Bernstein, has reopened after remodeling.

NBC to Show Auto Selling By Television

(*Continued from page* 1)

of various other commodities who now, or have in the past, sponsored sound programs over its and competitive network facilities.

NBC has a wide field to choose from, for at the moment its advertisers number more than 90, representing 13 industry classifications. These include confectionery and brewing, drugs, foods, laundry soaps and cleaners, radio, paints, petroleum and coal, publications, shoes and clothing, tobacco, and automotive, although peculiarly enough, the network's business is weakest among automotives. Actually, NBC at present has not a single automotive client, although the network lists in this classification Firestone and Goodyear Tire.

Hearings Scheduled On Power Petitions

WASHINGTON, Nov. 2. — Applications of the McComb Broadcasting Corp. for a 1,200-kilocycle, 100-watt daytime station at McComb, Miss.; Pee Dee Broadcasting Co. for a 1,200-kilocycle station at Florence, S. C., with 100 watts night, 250 watts day, and WOLS, Florence, S. C., for extension of time from day to unlimited, were today assigned by the Federal Communications Commission for hearings before examiners Nov. 22.

Examiners' hearings will be held Nov. 23, it was announced, on the application of WPG, New York, for a construction permit for a 1,100-kilocycle, 5,000-watt transmitter.

An increase of power from 1,000 to 5,000 watts and extension of time from day to unlimited was requested in an application filed with the commission by WHDH, Boston.

Quarterly Dividend Is Declared by CBS

Directors of CBS, meeting yesterday, declared a quarterly dividend of 25 cents per share and a special cash dividend of 10 cents per share on the present Class A and Class B stock. The dividend is payable Dec. 9 to stockholders of record on Dec. 1.

The board also issued a consolidated income statement for the nine months of this year ending Oct. 1, which showed a net profit for the period of $2,606,200, as compared to a net profit of $3,053,400 for the first nine months of 1937.

Somson Is in New York

H. S. Somson, president of Premier Radio Enterprises, transcription company, is in New York on company business, as part of a trip that is taking him into key cities throughout the east and middle west.

WSMK Builds Antenna

DAYTON, Nov. 2.—WSMK, operating on 200 watts, has started work on a new transmitter, expected to be put into operation late in November with daytime power of 500 watts directional, and 250 watt directional night power.

Huston Aids Lehman

Walter Huston and Nan Sunderland will aid Governor Lehman's campaign for reelection by appearing on the latter's political program over WABC tomorrow from 11 to 11:15 A.M.

FCC to Hear Plea On Frisco Station

WASHINGTON, Nov. 2.—Application of Larry Rhine for a 1,420-kilocycle, 100-watt station at San Francisco, has been tentatively assigned for hearing before an examiner Dec. 1 as the Federal Communications Commission listed dates for hearings on a number of broadcasting cases.

On Dec. 7 examiners' hearings will be held on the applications of Richland, Inc., for a 1,370-kilocycle, 250-watt daytime station at Mansfield, O.; WJRD, Tuscaloosa, Ala., for extension of time from day to unlimited with 100 watts power night, 250 watts day, and KECA, Los Angeles, for authority to move to San Diego.

A hearing on the application of Sweetwater Radio, Inc., tor a 1,210-kilocycle, 250-watt, daytime station at Sweetwater, Tex., and the application of KTEM, Temple, Tex., for extension of time from day to unlimited with 100 watts night, 250 watts day, will be held Jan. 11. On Jan. 16 a hearing will be held on the application of WMFF, Plattsburg, N. Y., for change of frequency from 1,310 to 1,240 kilocycles and increase of power from 100 watts night, 250 watts day, to 1,000 watts, and on Feb. 7 a hearing is scheduled on the application of the Monocacy Broadcasting Co. for an 1,140-kilocycle, 250-watt, daytime station at Rockville, Md.

Sagall Will Discuss Television Stations

Setting up of television transmitting stations under exclusive patents of Scophony, British organization, will be the subject of conferences here by Sol Sagall, Scophony managing director, who arrives today on the *Queen Mary*.

Sagall contemplates opening a branch of his company here to market receiving sets and transmitters. Scophony engineers are to arrive later to demonstrate the apparatus.

BBC Shows Television

LONDON, Nov. 2.—Guests at the dinner of the Royal Photographic Society at the Dorchester House tonight witnessed a British Broadcasting Co. television demonstration with receivers erected on the dinner tables. Gracie Fields was featured and Beverley Nichols spoke from Alexandra Palace.

Reject Bach Group Plea

WASHINGTON, Nov. 2.—Suggestions that licenses of broadcasters be suspended or revoked as a penalty for syncopating Bach music were today rejected by the Federal Communications Commission. But broadcasters were indirectly warned that they should exercise discrimination in permitting the "swing" of classics.

Mutual in October Grosses $347,770; CBS, $2,389,895

The largest single month of business in Mutual's history was recorded in October, the network doing a total of $347,770. CBS billings for October totaled $2,389,895, 4.6 per cent below the billings for last October, but 49.2 per cent over the September, 1938, billings.

Mutual's October, 1938, billings, $347,770, represent an increase of 45.7 per cent over the October, 1937, billings of $238,682. The cumulative 10-month total is $2,322,026, a gain of 33.8 per cent over the 10-month total of 1937, which was $1,735,255.

CBS October, 1938, billings of $2,389,895 compare to the October, 1937, billings of $2,505,485. Columbia's 10-month total this year is $22,365,777, or 3.9 per cent below the total for the similar period last year of $23,281,027. NBC's billings are not yet available.

Canada Net to Air New Housing Series

MONTREAL, Nov. 2. — Canadian Broadcasting Corp. will broadcast a new series of talks, "Building Canadian Homes," in which the problems of housing and home planning in Canada will be discussed.

The programs have been prepared by the Canadian architect and landscape authority, Humphrey Carver, and will begin Nov. 8, from 11:15 to 11:30 P. M. over the Canadian mideast and western networks.

Crosley Nine-Month Net Loss Is $43,484

CINCINNATI, Nov. 2.—Crosley Corp., operating WLW, WSAI and short wave station W8XAL, and manufacturer of radio receiving sets, reports a net loss of $43,484 after provision for depreciation and income tax, for the nine months ended Sept. 30. This compares with a net profit of $103,581 for the corresponding period last year.

Current assets at Sept. 30 were $4,350,425, and current liabilities, $ 29,947. Sales for the period totaled $9,397,698, against $15,000,520 for the same months of 1937.

To Build WOI Antenna

AMES, Ia., Nov. 2.—Construction is scheduled to start soon on a new 400-foot antenna tower for WOI, Iowa State college station. The new antenna is expected to increase the station's effectiveness 40 per cent.

Archer Does Air History

"The History of Radio to 1926," written by Dr. Gleason L. Archer, president of Suffolk University, is off the presses. Dr. Archer formerly was an NBC commentator. A companion volume to the present one, which will trace radio to the present day, is now in preparation.

Logan Joins WBBM

CHICAGO, Nov. 2.—Charles Logan, formerly with Trans-Radio, is now publicity director of WBBM, CBS affiliate.

▸ *Radio Personals* ◂

LESTER GOTTLIEB, Mutual's publicity coordinator, back from a swing around the Mutual station circuit. . . . Henri Viamant Berger, of the French Broadcasting Co., arrived yesterday on the *Paris* to look at American radio. . . . Myrt and Marge celebrate their seventh birthday in radio this week. . . . John B. Kennedy, scheduled to deliver an address in Buffalo on Saturday, will have Judge Burns, former F.C.C. attorney, pinch-hitting for him on his CBS show. . . . Sheila Barrett signed to guest appear on Tommy Riggs' show next week.

+

Chicago

Ford Pearson is doing a news program for Manhattan Soap Co., over WMAQ, using UP news reports . . . Virginia Payne, NBC, will speak before the Evanston Drama Club Nov. 10. Elissi Landi is on the same program . . . Ruth Barth, Guila Adams, Mignon Schrieber and Virginia Payne are the latest script writers to land shows on the airlanes . . . Nov. 11 will be the date for the annual A.F.R.A. dance, according to Anne Seymour, publicity director, star of the "Mary Marlin" show . . . Salerno "Question-Air," heard Sundays on WMAQ, has been renewed for another year, with Lynn Brandt announcing and Bob Brown asking the questions. Brown and Brandt are also broadcasting football games from this territory for NBC.

Five Accounts Take Added Time on NBC

Five accounts in addition to Adam Hat Co. have expanded their hookups on the NBC-Blue in order to gain the new discounts recently made available by the network.

Sherwin-Williams Paint Co., for "Metropolitan Auditions of the Air," has taken on 11 more stations, filling out the Mountain and Pacific networks, and gaining for the company a 10 per cent discount. Canada Dry Ginger Ale, which shortly takes over sponsorship of "Information Please," has ordered the Blue Southern group in addition to those stations already ordered, for a five per cent discount. Alka Seltzer, for "Barn Dance," has ordered the Blue Southern group for a 10 per cent discount.

William R. Warner Co., sponsoring the Warden Lawes series, has ordered KTOK to fill out the Southwest group for a five per cent discount, and the J. B. Williams Co., sponsoring "True or False" has ordered KTMA and KTMS, rounding out the Blue Mountain and Blue coast groups for a 10 per cent discount.

WIBC Takes to the Air

INDIANAPOLIS, Nov. 2. — WIBC, new 1,050-kilocycle, 1,000-watt station here, has started operations. It is owned by the Indiana Broadcasting Corp., of which Glen Van Auken is president.

Form Carolina Air Firm

HENDERSON, N. C., Nov. 2.—Carolina Broadcasting Co., with headquarters here, has been formed to operate a broadcasting station.

FROM COAST TO COAST THEY CALL

Naval Academy midshipmen cheer "Submarine Patrol" as only middies can! From Washington, Commander James Compton is quoted· "A wow of a picture. True in depicting experiences of splinter boats." While Commander G. B. Kelly says: "A thrilling romantic story."

Attorney-General and Mrs. Homer S. Cummings arrive for screening in nation's capital. Enthuses Mrs. Cummings: "The picture is first rate entertainment. Nancy Kelly is fine." Mr. Cummings adds: "A swell picture—very stirring."

Mr. and Mrs. Don Ameche in famed Chinese Theatre forecourt. In far-off Washington Paul McGahan, Phila. Inquirer, says: "One of the most important pictures of the year." And Robert Henderson, Central Press Association, says: "Hits the mark! Worthwhile in every respect."

Richard Greene is happy. No wonder—for Hollywood Reporter says: "What good news this one is for exhibitors! A honey!" —and Film Daily cheers: "One of the best of new pix crop!"

Lieut. Maurice Aroff, Carolyn Ransom, Maj. Victor Bleasdale and Lieut. Comm. Herman Spitzel at Coast preview. Echoing audience cheers, M. P. Daily raves: "A natural!" L. A. Times says: "Comes through with flying colors!"

Adv.

IT "THE BIG PARADE OF THE NAVY"!

The risk involved in showing a Navy picture to Navy men was bravely taken by 20th Century-Fox when previews were held for audiences including high-ranking Navy officers at Washington's Press Club, the Chinese Theatre in Hollywood and right in the beating heart of the Navy itself, the U. S. Naval Academy's Mahan Hall, Annapolis.

And 20th's faith was justified, when the Navy out-cheered stars, important Government officials, press representatives of national standing and others who called SUBMARINE PATROL "The Big Parade of the Navy."

Rear Admiral Wilson Brown, superintendent of U. S. Naval Academy, and staff discuss the picture. At the same time in Washington Commander Leland P. Lovette remarks: "A first rate picture. The service is proud to have been of help!"

Midshipmen and their dates hurry to Mahan Hall. While at Washington, Mrs. John J. Hughes, wife of commander of U. S. S. Panay, says: "Such a thrilling picture. The romantic interest was beautifully sustained."

Constance Bennett in time-honored Hollywood premiere custom of talking through mike. While 3,000 miles away Earl Godwin, President, White House Correspondents Assoc. says: "A smacking good picture!" and Constantine Brown, Wash. Star Syndicate cheers: "Kept me thoroughly engrossed!"

Jack Benny, one of hundreds of screen favorites at Hollywood premiere. Their reaction is reflected by Daily Variety: "A smash entry in the new b.o. upswing"—and by Boxoffice. "As loaded with boxoffice TNT as a depth bomb!"

Midshipmen serve as ushers at Annapolis. Their enthusiasm is equalled in Washington, where Earl Berkley, A. P., says: "Stands at the top of the list." Seconds George Durno, I.N.S.: "More than swell—it is great!"

RICHARD
GREENE
NANCY
KELLY
SUBMARINE PATROL

Randolph Flinn, Director, National Press Club, Arthur Hachten, Vice-Pres., Mrs. Hachten, Frederick Simpich, feature writer enjoy Washington showing. Says Mr. Hachten: "Thrilling! Richard Greene, Nancy Kelly real discoveries!"

Attorney-General Homer S. Cummings, Harold Brayman, Pres. National Press Club and Phelps Adams, N. Y. Sun, attend Washington preview. Says Mr. Brayman: "A Zanuck picture is a guarantee of first-class entertainment." Encores Mr. Adams: "I enjoyed every minute!"

Adv.

TOP RANK

EASTMAN Super X won its top ranking on performance. The results obtained from its combination of speed, fine grain, and general photographic quality make it the world's first choice in negative materials. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, Fort Lee, Chicago, Hollywood.)

EASTMAN *SUPER X*

PANCHROMATIC NEGATIVE

DO NOT REM

Alert.
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 44. NO. 89 NEW YORK, FRIDAY, NOVEMBER 4, 1938 TEN CENTS

British Also Out of Italy, Asserts Gell

Opposed to Governmental Control, He Says

That English film companies might join American distributors in withdrawing from Italy Jan. 1, when the Italian Government plans to take over distribution of foreign films, is the opinion of William J. Gell, managing director of Pathe Pictures, Ltd., who arrived yesterday on the *Queen Mary*. He indicated that British pride is involved and that the companies do not intend to deal with E.N.I.C., the Government controlled agency which will handle foreign pictures.

Sam E. Morris, Warner vice-president in charge of foreign activities, who arrived on the same boat, was emphatic in declaring that the American companies will stay out of Italy.

"The Italian situation is very serious," he said. "The fewer state-

(*Continued on page* 2)

Allied Board Takes Up B & K Clearance

CHICAGO, Nov. 3.—Local clearance situation involving Balaban & Katz and the independents was discussed at a special national Allied board meeting here today. Counsel for the independents and many local members were present.

William F. Rodgers, Gradwell L. Sears and Abe Montague are here to attempt to negotiate a settlement of the grievance. They are expected to be in session with Allied's trade practice committee all day tomorrow.

ZUKOR QUITS STUDIO FOR POST IN LONDON

Will Work with David Rose—Freeman to Take Charge at Studio, with LeBaron Heading Production—Hicks to Return

Adolph Zukor is leaving Hollywood to represent Paramount in London. There he will work in cooperation with David Rose. John Hicks, Paramount's foreign chief, who is now in London, will return to New York. This move marks the end of Zukor's association with Paramount's domestic operations. For the time being he continues as chairman of the Paramount board.

Those who know Zukor believe that he requested this shift to London.

Y. Frank Freeman will be in charge of Paramount's studio on the coast. William LeBaron will have charge of production.

These changes are the result of the present coast visit of Barney Balaban and Stanton Griffis.

Presumably Balaban, for the time being, will assume personal direction of Paramount's theatre affairs, hitherto under the direction of Freeman, who is a vice-president of the company and a member of the board. Leon Netter is second in charge of theatres at the home office.

Whether or not Freeman will be stationed on the coast permanently has not been indicated. He left for California yesterday, and will stop over in Chicago. It is uncertain when he will arrive at the studio.

Adolph Zukor

Balaban and Griffis may leave for New York next Wednesday, and should Freeman be detained in Chicago it is quite likely that the three may meet for a conference in that city, before Balaban and Griffis reach New York. The official announcement states that Zukor will sail for London short-

(*Continued on page* 2)

Sagall to Confer With Cantor Upon Television Plans

Sol Sagall, managing director of Scophony, English television organization, on arriving on the *Queen Mary* yesterday from London, said he will confer here with Eddie Cantor on a proposal for a nationwide radio network which will include television.

Sagall's company holds the world rights to the Scophony television patents. When Cantor was in Europe last summer he showed great interest in the development and on his return said he had a radio network in mind which would require $10,000,000 financing.

Sagall said he plans to discuss the matter with Wall St. interests. The principal backers of the company are the London & Yorkshire Trust and E.K.C.O. Radio, Ltd.

Scophony receivers will be installed in 70 Odeon theatres in England and they will be put in opera-

(*Continued on page* 3)

Grainger Promotes Shea Men in Field

E. C. Grainger, general manager of the Shea Operating Corp., has made several promotions from the field among the managers in the circuit. John Walsh, manager of the Paramount, Newport, R. I., goes to the

(*Continued on page* 3)

20th Century-Fox 39-week Net Profit Is $4,622,091

Twentieth Century-Fox had a net operating profit of $4,622,091 after all charges including Federal income tax for the 39 weeks ending Sept. 24. This compares with a net for the same period last year of $4,898,893.

For the third quarter the consolidated net, after all charges, was $1,202,433. In the second quarter the profit was $1,778,121.

No dividends were received from National Theatres Corp. during the 39-week period of either year. After allowance for preferred dividends in the 39-week period, there was a profit of $2.04 per share on the 1,741,982 shares of common outstanding Sept. 24. For the third quarter the profit on the common was 48 cents.

The board of directors has declared a dividend of 37½ cents per share for the fourth quarter on the preferred, payable Dec. 15 to holders of record Dec. 1, and 50 cents per share on the common, payable at the same time.

Gross operating income for the 39-week period was $42,738,822.88.

Universal's Sales Over $20,000,000, An 8-Year Record

Universal's world film sales passed the $20,000,000 mark during the fiscal year ended Oct. 31, establishing an eight-year record for the company. The figure represents an increase of approximately $3,000,000 in the company's income from film rentals during recent years.

Universal's operations showed a profit during October, the second

(*Continued on page* 3)

RKO Vaudeville to Be Suspended Here

RKO will drop vaudeville in the metropolitan area this month after experimental bookings in a half dozen houses of the circuit, begun shortly after Labor Day. The test bookings, however, will be continued and even extended elsewhere as in Chicago and Columbus, where the stage policy was revived recently.

Circuit officials attribute the change of policy in the metropolitan area to the failure of vaudeville to pull new business and the unsatisfactory ex-

(*Continued on page* 3)

Radio—Page 3

Got Lots of Air

An applicant for a radio job walked into the CBS studio the other day with a letter of recommendation which stated: "The bearer has 72 hours in the air to his credit."

It developed he was an aviator.

Zukor Quits Studio; Will Go to London

(Continued from page 1)

ly to coordinate and develop Paramount's production, distribution and theatre activities, and that it was he who originally organized Paramount's three-fold activities abroad.

John Cecil Graham, who has been in charge of Paramount's British affairs, recently resigned and John Hicks, vice-president in charge of foreign affairs, assumed personal charge. Rose, who is in charge of Paramount's London's production, assumed that post only a few months ago.

Actually, Paramount is not doing much in production in London, outside of quota requirements. There is no prospect at present that the company will expand beyond its quota requirements.

Several British Theatres

Paramount's theatres in England are valuable. The company from time to time has discussed the advisability of disposing of them or combining these theatres with native interests.

Zukor has been in charge of the west coast studio for the past two and one-half years, working in conjunction with LeBaron. He has been chairman of the Paramount board since the company's emergence from reorganization in June, 1935. During the three years of the company's reorganization he served as a leading executive adviser to the trustees, after first having served as a co-trustee for a brief period at the outset.

Prior to the reorganization proceedings, he was president of Paramount-Publix and was head of all the predecessor companies comprising that organization from 1912 on. It was in that year that he formed Famous Players Film Co., his first production venture. From 1903 to 1912 Zukor was associated with the late Marcus Loew in the operation, first, of penny arcades, then of theatres. His Famous Players company is credited with turning out the first multiple reel pictures and with presenting such historic films as Sarah Bernhardt's "Queen Elizabeth" and James K. Hackett's "Prisoner of Zenda."

Zukor-Lasky in 1916

In 1916, Zukor's company consolidated with Jesse L. Lasky's production organization to become the Famous Players-Lasky Corp., and then absorbed Paramount Pictures Corp., a sales and distributing organization. It developed rapidly thereafter and about 1920 began the acquisition of what was to become one of the largest theatre circuits in existence. This led to Paramount-Publix.

Folly Theatre Closes

The Folly Theatre, Grand Ave., Brooklyn, closed last night. It will reopen early next week under the management of Aaron Binkow, operator of the Opera House in Bayonne.

New Pact for Sackheim

HOLLYWOOD, Nov. 3.—Universal has extended the contract of Jerry Sackheim, executive assistant to Cliff Work.

Purely Personal

GEORGE BLACK, managing director of General Theatres Corp. and Moss Empires, Ltd., English circuits controlling about 120 film and vaudeville houses, arrived on the *Queen Mary* yesterday. BLACK is looking for vaudeville acts here.

•

ROBERT E. ALLAN, former Chicago newspaperman, has been appointed general manager of Superior Pictures, St. Louis. ALAN ROSENBERGER, formerly with Superior, has joined Grand National.

•

FRANK RUDDOCK, vice-president of operators' Local 306 and chief projectionist at the Roxy, is a candidate for the State Senate on the American Labor Party ticket.

•

GEORGE J. SCHAEFER, RKO chief executive, has returned to New York from Oklahoma City and Dallas.

•

EDWARD M. SAUNDERS, M-G-M division manager, became a grandfather Wednesday for the first time. It's a boy, born to Mr. and Mrs. ROBERT M. SAUNDERS. The dad is employed at the M-G-M studio.

•

NATE J. BLUMBERG, Universal president, was confined to his home with a cold yesterday.

•

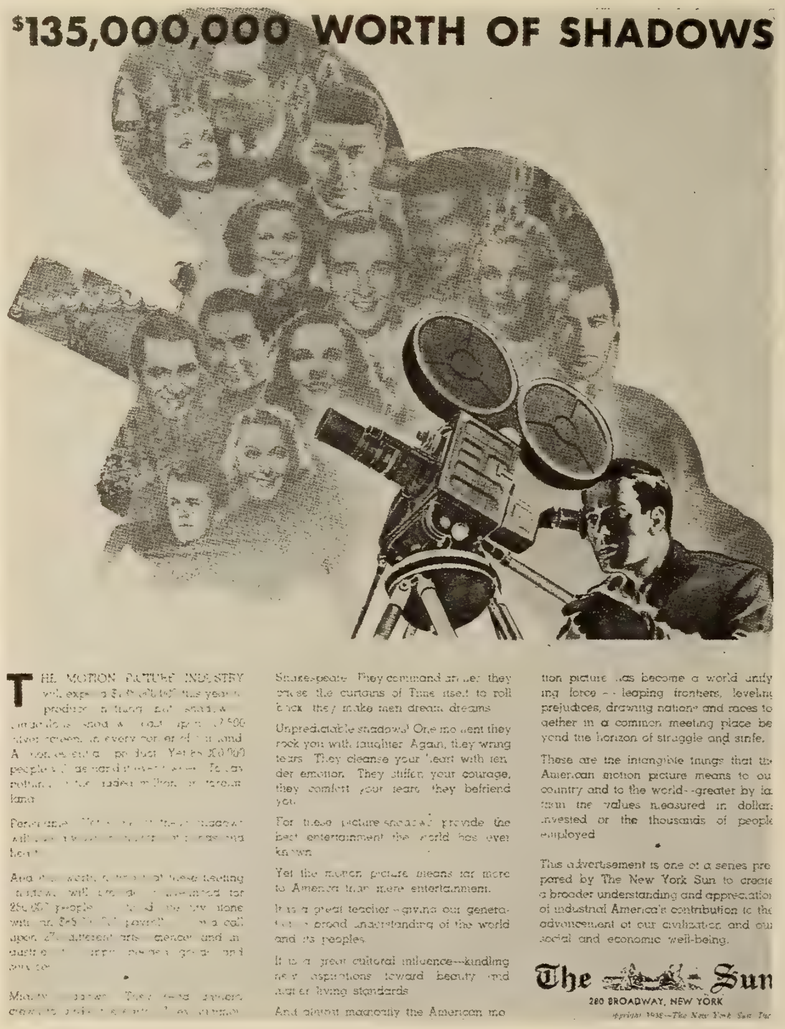
JOHN J. O'CONNOR, RKO theatre head, left yesterday for a weekend visit to RKO theatres upstate.

•

GEORGE B. FINCH of the Detroit executive staff of Jam Handy has been transferred to the New York office.

•

JANE BRYANT, actress, arrived from the coast yesterday on the American Airlines' *Mercury*.



$135,000,000 WORTH OF SHADOWS

THE MOTION PICTURE INDUSTRY [illegible]

Shakespeare. They command [illegible] they raise the curtains of Time itself to roll back; they make men dream dreams.

Unpredictable shadows! One moment they rock you with laughter. Again, they wring tears. They cleanse your heart with tender emotion. They stiffen your courage, they comfort your fears, they befriend you.

For these picture shadows provide the best entertainment the world has ever known.

Yet the motion picture means far more to America than mere entertainment.

It is a great teacher—giving our generation a broad understanding of the world and its peoples.

It is a great cultural influence—kindling new aspirations toward beauty and higher living standards.

And almost magically the American motion picture has become a world unifying force—leaping frontiers, leveling prejudices, drawing nations and races together in a common meeting place beyond the horizon of struggle and strife.

These are the intangible things that the American motion picture means to our country and to the world—greater by far than the values measured in dollars invested or the thousands of people employed.

•

This advertisement is one of a series prepared by The New York Sun to create a broader understanding and appreciation of industrial America's contribution to the advancement of our civilization and our social and economic well-being.

The Sun
280 BROADWAY, NEW YORK
[illegible]

This advertisement, which appeared in the Wall Street Journal Wednesday and in Editor and Publisher last Friday, is one of a series on important industries being issued by the New York Sun. Full page space is being used for its reproduction. It may also be used in the Philadelphia Bulletin and Chicago Daily News.

Previous advertisements in the series have been on steel, automobiles and food.

It is one of the rare occasions that recognition of this kind has been given the industry in this way by a daily newspaper.

Copy for the advertisement was originally prepared by E. J. Churchill, president of Donahue & Coe, and was intended for use in the Motion Pictures' Greatest Year drive.

British Also Out of Italy, Asserts Gell

(Continued from page 1)

ments business men make these days, the better."

That the Italian Government is anxious, however, to retain distribution of American films was indica[illegible] by E. W. Hammons, Grand National president, who returned from London negotiations. Hammons said he was approached by the E.N.I.C. while in London, on a distribution deal, but he turned it down.

Both Gell and Hammons stressed the importance of the British and American markets to each other.

Hammons said he had closed a five-year releasing deal in the United Kingdom, but refused to disclose the name of the company in advance of approval of the contract by the Grand National board, which will meet next week. The contract is signed and is subject to a one-year cancellation, he said.

No Grand National Issue

There will be no Grand National stock issue this year, Hammons declared. He said the company will make 16 features on the coast and two in the east, in addition to the 26 features to be supplied by Fine Arts, four of which are finished. Samuel Berkowitz, head of Fine Arts, accompanied Hammons. He leaves for the coast shortly.

Arthur Levey, Monogram's representative in England. who also arrived, and Gell will confer with W. Ray Johnston, Monogram president, on a proposal to make four features a year in England with American talent, on a 50-50 financing basis.

Gell said he also will start discussions with Johnston on a new five-year British distribution deal. The present three-year pact has two years to run. Pathe is a subsidiary of John Maxwell's Associated British Pictures. It will produce 12 features this season, including quota requirements.

Al Sherman of Columbia also was on the ship.

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS:—*Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square. W. 1: cable address. Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

Radio Personals

W. G. VAN SCHMUS, managing director of the Music Hall, will discuss the operation of the theatre as a guest on Bide Dudley's program over Mutual today at 11:30 A. M. . . . McGraw-Hill will publish in January Dave Elman's book on hobbies, now in preparation . . . Walter and Moe Annenberg, publishers of *Radio Guide,* among other publications, are in town. . . . Walter King, WINS announcer, is appearing as "em cee" at the RKO Madison in Brooklyn.

✚

Jack Dempsey and Hanna Williams will start off the guest star policy on the Benny Goodman Camel cigarette program . . . Rosemarie Brancato, back from a season of concerts in Hollywood, will be the guest soloist on Erno Rapee's Music Hall show for two successive Sundays, beginning this week.

Report Ford Takes Welles Air Series

Orson Welles' "Mercury Theatre of the Air" which achieved nationwide publicity this week as a result of the "War of the Worlds" broadcast, has been purchased by the Ford Motor Co., according to a well-founded report. The deal was closed late Wednesday.

Efforts to obtain verification of the deal at the offices of N. W. Ayer & Son, the agency handling the Ford motor account, were fruitless, due to the absence of the officials of the agency's radio department.

Ford, it is understood, has been seeking a new radio program since losing the Al Pearce program to General Foods. The new show is being sought to serve as a balance to the institutional Ford "Sunday Evening Hour," a symphonic series. Ever since Ford entered radio many years ago the company has maintained two concurrent series on the air, one a light type, the other the symphonic show. The current season is the first time the company has had but one show on the air.

Webs Close Election Day

The networks, and most of the local stations, will close their offices at noon on Election Day and all day Nov. 11, Armistice Day.

Helen Keller to "Hear" Toscanini

Helen Keller will attend the Toscanini broadcast tomorrow. Miss Keller, deaf, dumb and blind since childhood, "hears" through her feet. But because of the perfect acoustical properties of radio studios, Miss Keller would be unable to hear the concert, except that NBC is now installing a special sound board on the floor under the seat she will occupy, by means of which she can detect vibrations.

New York Preview

"The Young in Heart"

(Selznick-United Artists)

Delightful in comedy content, strong in emotional appeal, "The Young in Heart," David O. Selznick's adaptation of I. A. R. Wylie's *Saturday Evening Post* serial, "The Gay Banditti," slips with the greatest of ease into the upper strata of entertainment value and box-office material.

The Carletons are a family of lovable rascals, parasites by their own admission, living on their wits and other people's money, until the wealthy old lady they hit upon successfully as their permanent "hostess," with a will in the offing, by her kindness and charm brings conscience and shame to them and achieves their reformation.

That is the story, essentially, but it is woven about with keen dialogue and a skillful blending of comedy and drama, as developed by Paul Osborn, author of the screenplay, and Charles Bennett, who did the adaptation. But chiefly responsible for the completely engaging picture which results is the high caliber cast, from top to bottom. The Carletons include Roland Young, as the father and fictitious "colonel"; Billie Burke, the mother, and Douglas Fairbanks, Jr., and Janet Gaynor as the son and daughter.

Completely captivating is the performance of the elderly Minnie Dupree, stage veteran, as the old lady. Richard Carlson, newcomer, as the "burring" Scotchman in love with Miss Gaynor, appears definitely "in," and Paulette Goddard, who teaches young Fairbanks the meaning of love, in her first talking film rôle, impresses with the ease and competent attractiveness of her performance. Henry Stephenson, Irvin S. Cobb and Tom Ricketts are all good in minor parts.

Director Richard Wallace has contrived to enliven his production with occasional deft touches of comedy which are delightful. There is real amusement as Young and Fairbanks, pretending to find work to prove to Miss Dupree that they are not "spongers," give serious and earnest consideration to the work of an excavating machine, or when Young to the tune of the "Funeral March" walks into his first job, as a soldier into battle. When the old lady is close to death, when Fairbanks and his father come to realize the shame of their sham, on the other hand, the film reaches high points of sincere emotional appeal.

Running time, 91 minutes. "G."* CHARLES S. AARONSON

"G" designates general audience classification.

Sagall to Confer With Cantor Upon Television Plans

(*Continued from page* 1)

tion as soon as B.B.C. approves the transmission of television programs into theatres, Sagall said.

He will investigate the possibilities of marketing transmitting and receiving apparatus in America and the erection of a transmitter for the World's Fair. Scophony may establish a branch here.

Fr. Coughlin on WMCA

Father Charles E. Coughlin's program, which is scheduled to start Sunday, will not be carried over WHN. Herb Pettey, associate director of WHN, declared yesterday that the cancellation was caused by Father Coughlin's refusal to comply with the station's rule which requires submission of the speech in advance of the broadcast. WMCA will carry the speech instead of WHN.

"Sport Quiz" to Webster

WMCA's "Sports Quiz," featuring Jimmy Powers, sports editor of the *Daily News,* has been purchased by Webster-Eisenlohr Cigar Co. The contract is for an indefinite period, and was placed by N. W. Ayer & Son. "Sports Quiz" is heard Fridays at 7:30 P. M.

Smith Is Named Erpi West Coast Manager

Clifford W. Smith, former general foreign manager of Erpi, yesterday was appointed general manager on the coast, a new post which will give him jurisdiction over all Erpi Hollywood activities.

E. S. Gregg, comptroller, replaces Smith as general foreign manager, and F. B. Foster, Jr., succeeds Gregg as comptroller.

Smith started with Erpi as commercial manager of the Paris office in 1929. Later he became London manager and then commercial director of Western Electric Co., Ltd. In 1936 he was named assistant foreign manager and this year general foreign head. Gregg joined the company in 1928 as export manager, and Foster joined Western Electric in 1923.

Standard Brands Sued

Standard Brands, Inc., sponsor of the Chase & Sanborn Coffee Hour on the radio, was named defendant in a suit to recover $25,000, filed by Buggeln & Smith, Inc., advertising agency, in the U. S. District Court yesterday. The plaintiff claimed that in June, 1937, it sold to Standard Brands an advertising sales promotion scheme which would commercialize the popularity of Edgar Bergen. The plan provided for a miniature Charlie McCarthy, to be distributed in exchange for a number of certificates obtained from the purchase of Chase & Sanborn coffee, the complaint stated. The plaintiff seeks $25,000.

Universal's Sales Over $20,000,000, An 8-Year Record

(*Continued from page* 1)

consecutive month that the company has been in the black. The October profit is estimated at more than double that for September and should put the company in the black for the final quarter of the fiscal year, ended Oct. 31, by a comfortable margin, inasmuch as the August loss was not a large one. Year end adjustments applicable to the final quarter may affect the showing for the period somewhat, but indications are such adjustments will not obliterate a profit for the period. A quarterly profit, likewise, would establish an eight-year record for the company.

RKO Vaudeville to Be Suspended Here

(*Continued from page* 1)

periences with unions here since the test shows were inaugurated. In the two-month period in which the show policy has been operative, it was demonstrated that the stage attractions are without independent pulling power when the film attraction is not the strongest. Business in the experimental houses corresponded with the relative strength of individual picture attractions during the period.

In the face of this experience, circuit officials said they were confronted with unreasonable employment demands from the stagehands' and musicians' unions, which made continuance of the shows impossible. Standby orchestras and unneeded numbers of both musicians and stagehands were insisted upon by the unions even in houses where the acts were recruited from amateurs.

Grainger Promotes Shea Men in Field

(*Continued from page* 1)

Fulton, Pittsburgh. Vincent Choate, manager of the Roosevelt, Jamestown, R. 1., goes to the Paramount, Newport.

Joe Hockenberry, who was assistant at the Paramount, Newport, becomes manager at the Roosevelt, Jamestown. Fred Lahrmar goes from the Paramount, Youngstown, to Newark, O., where he will be assistant to Frank King, who operates the Midland and the Auditorium.

Orlob Plans Two More

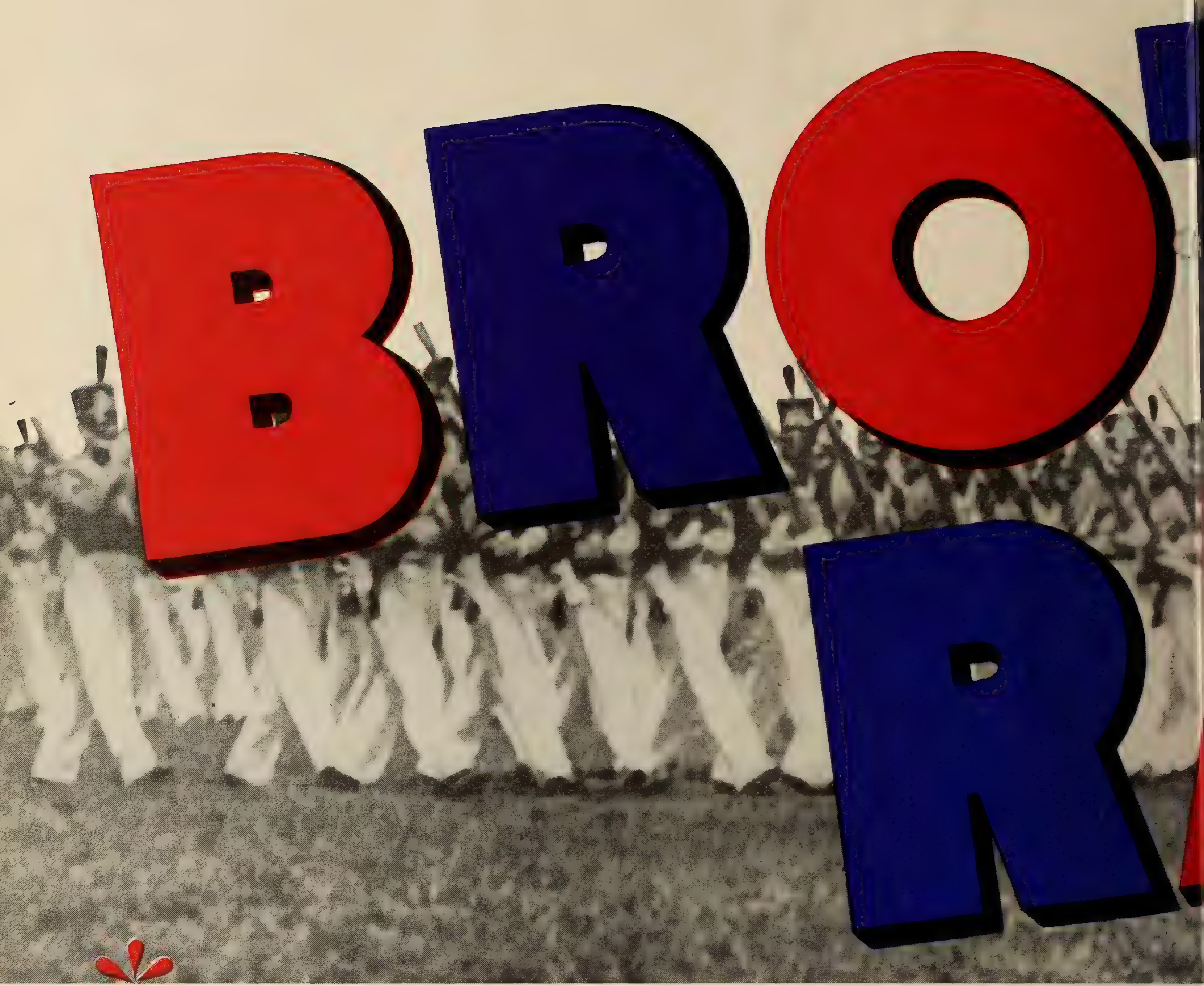
Harold Orlob, producer of "One Third of a Nation," now being completed at Eastern Service Studios, plans two more features here. One will be a film version of his musical comedy, "Trial Honeymoon," in Cosmocolor.

B. P. Fineman Quits RKO

HOLLYWOOD, Nov. 3.—B. P. Fineman resigned as RKO associate producer today, effective Dec. 1.

Close Wilcox Film Deal

Record Pictures has closed with Syndicate Film Exchange for Herbert Wilcox's musical comedy, "The Gang," for the New York territory.



It has a meaning all its own

THE DICTIONARY
says
Broth′er Răt
means
A term of address used by students at Virginia Military Institute—somewhat similar to use of 'Plebe' at West Point.

FILM DAILY
says
BROTHER RAT
means
'A box-office honey!'

VARIETY
says
BROTHER RAT
means
'Exhibs will hit pay dirt!'

THER
AT

with

PRISCILLA LANE
WAYNE MORRIS

and

JOHNNIE DAVIS · JANE BRYAN · EDDIE ALBERT
RONALD REAGAN · JANE WYMAN · HENRY O'NEILL

Directed by WILLIAM KEIGHLEY

Screen Play by Richard Macaulay and Jerry Wald · From the Play by JOHN MONKS, Jr. and FRED F. FINKLEHOFFE · A First National Picture

M. P. HERALD
says
BROTHER RAT
means
A service comedy that s like no specimen that has ever been offered the public before.'

M. P. DAILY
says
BROTHER RAT
means
'The utmost in comedy!'

HOLLYWOOD REPORTER
says
BROTHER RAT
means
"'Rat' takes the cake . . . will send audiences out talking so much they'll send other audiences in!'

You can see what it means to you, brother, when you see how the Memphis holdover smashed every Sunday record! Los Angeles, Baltimore, Kansas City, Scranton, Dayton already set for week No. two! *Warner Bros.,* producers.

"THE STORM"

with CHARLES BARTON PRESTON

BICKFORD · MacLANE · FOSTER

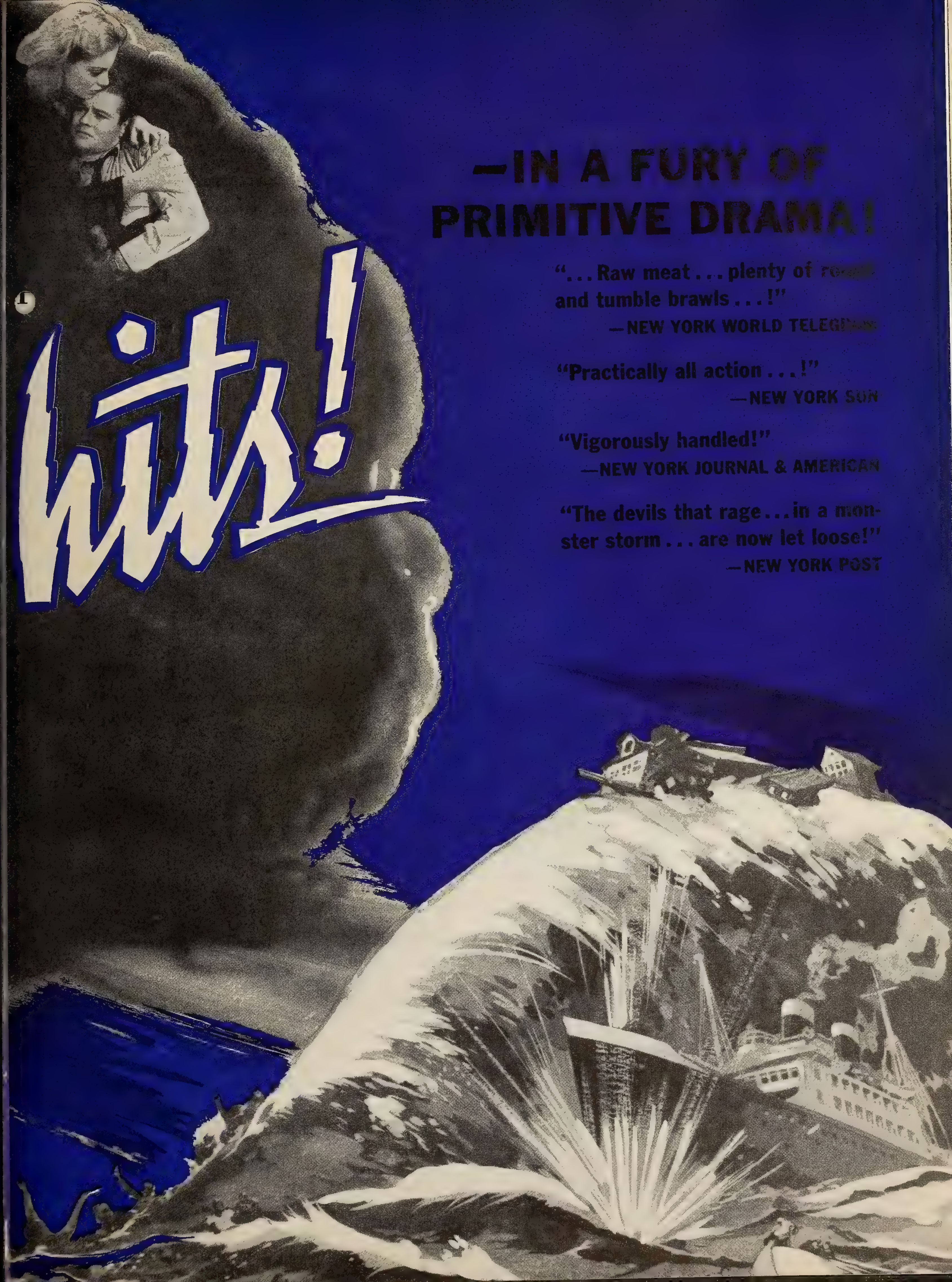
TOM **BROWN** NAN **GREY**

Andy Devine · Frank Jenks · Samuel S. Hinds

Screenplay by Theodore Reeves, Daniel Moore and Hugh King
Original story by Daniel Moore and Hugh King

Directed by Harold Young
Produced by Ken Goldsmith

A NEW UNIVERSAL PICTURE



—IN A FURY OF PRIMITIVE DRAMA!

"... Raw meat ... plenty of rough and tumble brawls ...!"
—NEW YORK WORLD TELEGRAM

"Practically all action ...!"
—NEW YORK SUN

"Vigorously handled!"
—NEW YORK JOURNAL & AMERICAN

"The devils that rage ... in a monster storm ... are now let loose!"
—NEW YORK POST

WESTERN UNION

M.P.T.O.A. CONVENTION
OMAHA, NEBRASKA . .
LEESTEN, BIG BOYS,
WHEN YOU SAY MOTION
PICTURES ARE YOUR BEST
ENTERTAINMENT,
SAY IT IN FRENCH.
OLYMPE BRADNA

You'll say it's terrific . . . you'll say it's magnific . . . you'll . . .

"SAY IT IN FRENCH"

A Paramount Picture with

RAY MILLAND·OLYMPE BRADNA

Irene Hervey · Janet Beecher · Mary Carlisle · Directed by Andrew L. Stone

"Pardon my Paris Accent"

"Voila! Poor little Olympe, she send ze bootiful telegram full of love and kisses to all you beeg boys at ze beeg peace conference. And now you make laughing at her because she sends it to what you call it . . . to *Oha* zomzing instead of *Oho* zomzing. Pardon, monsieurs, but Olympe she is French, not Indian. When Olympe say a thing, she 'Say It in French.' And, beeg boys, no matter you live in Oskaloosa, Tuskaloosa, Paduca, Pewaukee, Ipsilanti, New York, New Haven and Hartford, San Francisco, San Diego, Los Angeles, Los Vegas, I tell you one thing, when you see Olympe and Ray Milland in Olympe's new motion peecture, you are going to 'SAY IT IN FRENCH'. . ."

Olympe Bradna

ILE COPY
DO NOT REMOVE

Alert.
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

[illegible]L. 44. NO. 90 NEW YORK, MONDAY, NOVEMBER 7, 1938 TEN CENTS

Politics Jams Air Lanes as Election Nears

Local Stations Collect Unusual Revenue

Political candidates have been spending heavily in local radio, an analysis shows, with NBC's New York outlets accounting thus far for $28,870, CBS doing approximately $50,000, WOR and Mutual's New York state stations garnering $23,580.

Of the local unaffiliated stations, WHN to date has made the best showing, its intake for political broadcast reaching a total of approximately $18,000. The analysis is at the close of business Friday, and in all probabality the totals for all stations will be swelled considerably before election, as many last minute bookings for political talks are anticipated.

The NBC political total is for time

(*Continued on page 8*)

Lawler Testifies in City Sales Tax Case

T. Newman Lawler of O'Brien, Driscoll & Raftery, counsel for United Artists, and Harry Muller, United Artists treasurer, testified Friday at the resumption of hearings on the city's assessment of penalties and interest of more than $100,000 against distributors for failure to remit the two per cent city sales tax from March, 1935, to June, 1937. Their testimony related to the good faith of the distributors in not paying the tax

(*Continued on page 7*)

Televising Plays

London, Nov. 6.—British Broadcasting Co. will televise J. B. Priestley's play, "When We Are Married," in its entirety from Saint Martin's Theatre on Nov. 16. On Nov. 24, a telecast will feature scenes from "Under Your Hat," with Jack Hulbert and Cecily Courtneidge.

Columbia Talking Expansion of Its British Program

Ambitious production plans for Columbia in Europe were hinted at by Joseph A. McConville, foreign chief, before sailing for London Friday on the *Queen Mary*. He was accompanied by Jacob Segal, assistant foreign manager, and Jack Cohn, vice-president.

Cohn and McConville will investigate the possibilities for the company's own production in England. French production or financing French producers is also a possibility, in line with Columbia's new activity of distributing a picked number of European films in this country.

Columbia's British quota pictures are being made this season by Alexander Korda's Denham Studios, with Irving Asher, associate producer, directly in charge. Columbia and Denham are sharing the financing. One film, "Q Planes," is completed and another, "Spy in Black," is in work, with Conrad Veidt and Evelyn Laye.

In all, Columbia will get three pictures from Denham, at budgets rang-

(*Continued on page 7*)

Trade Practices Agreement Reached with Allied Heads

Chicago, Nov. 6.—Agreement on a trade practice program has been reached in principle with Allied, William F. Rodgers, spokesman for the distributors' trade practice committee, said here before leaving for New York.

Col. H. A. Cole, chairman of Allied's committee, added that after two days of discussion, the distributors "granted the maximum concessions which they feel they can yield."

Final negotiations between M. P. T. O. A. representatives and the distributors' sub-committee consisting of Sidney R. Kent and Ned E. Depinet on a trade practice program may be begun tomorrow. The M. P. T. O. A. committee headed by Ed Kuykendall has arrived in New York.

Indications are that the final conferences will be concluded within a few days.

Cole said that the demands made of the smaller companies were "more tempered" than those asked of the larger ones. The agreement with Allied will be reduced to writing. Final agreement is subject to the board's approval.

Gradwell L. Sears, A. Montague and Rodgers constituted the distributors' committee.

BALABAN TO TAKE THEATRE CONTROL

No Freeman Successor to Be Named for Present; Zukor East Soon

Barney Balaban, Paramount president, will devote more of his time to the company's theatre end upon his return from the coast in about a week. No successor to Y. Frank Freeman will be named at present.

Balaban has been one of the outstanding theatre operators in the country. He merely adds certain details of administration of the theatre department to his other duties as head of the company. The possibility exists, however, that after careful deliberation and at a later date a supervisory executive appointment in the home office theatre department might be made.

Freeman, who was placed in charge of the studio as the home office representative there, continued on to the coast from Chicago over the weekend and will remain at the studio until Friday for conferences with Balaban, Stanton Griffis, Zukor and William

(*Continued on page 7*)

Fairbanks May Produce Here For U.A. List

British interests are discussing with Douglas Fairbanks the possibility of putting up $2,500,000 or more for organizing a company to produce films here for release through United Artists, in which Fairbanks is a stockholder and member of the board. Fairbanks, of course, would assume a leading role in the new company's operations, should the prospective undertaking be realized.

Prominently mentioned as interested in the possible venture are Sir Adrian Baillie and Montague Marks. Marks is head of Albion Film Corp. of London. The latter is now on his way

(*Continued on page 7*)

Ask Child Grading Of Canadian Films

Montreal, Nov. 6.—Reviewing of films and their grading according to suitability for school children here by an independent board of censors has been proposed to Armand Dupuis, president of the Catholic School Commission of Montreal, by Gerald Coughlin, K. C.

The proposal provides for the lowering of the present 16-year age limit on juvenile attendance at theatres to include children of seven or over. The independent reviewing board

(*Continued on page 7*)

Ross Federal Names 4 Branch Managers

Ross Federal Service has named four new branch managers: F. S. McKeown, Detroit; C. J. Storeim, Cleveland; F. A. Rosevelt, Charlotte, and F. B. Gamble, Portland. R. W. Oudersluys, former Detroit branch manager, has been assigned to the new credit promotion division.

Thomas B. Ellsworth has been named assistant in the advertising department of Ross Federal Research to edit the monthly house organ, *Service*.

Radio—Page 8

Board of Four A's To Get New Setup

Plans to provide member branches of the Associated Actors and Artistes of America with a closer basis for cooperation will be laid before the board of directors next Wednesday, Frank Gillmore, president, stated on his return to the city Friday. Gillmore spent five weeks touring key city branches to test sentiment.

First moves to be considered will be establishment of one office for all branches in cities where none has sufficient membership to warrant the expenditure. Another proposal is a monthly bulletin to advise locals of the activities of other branches and to lay the basis for future cooperation. Consideration will be given to the problem of a joint dues system. Gillmore pointed out that all efforts must meet with the approval of the branches and the board, but stated that he felt some action would start early in 1939.

◀ Purely Personal ▶

J. CHEEVER COWDIN, MONTY BANKS, BERTON CHURCHILL, LUCY CAHILL, WALTER FUTTER, LESLIE HOWARD, HERBERT WILCOX, ANNA NEAGLE, PHIL REISMAN, LAURENCE OLIVIER and VIVIAN LEIGH are scheduled to arrive Wednesday on the *Normandie*.

●

CHRISTY WILBERT has gone to Baltimore for the opening of "Submarine Patrol" at the New Nov. 9, and RODNEY BUSH has gone to Chicago for the opening of "Patrol" at the Roosevelt Nov. 14. He will go from there to Indianapolis for the start of the same picture Nov. 18.

●

JULES LEVY, RKO general sales manager, left for Atlanta Friday to confer with CRESSON E. SMITH, western and southern sales manager, and H. M. Lyons, southeastern district manager.

●

RALPH CLARK, JR., Warner branch manager in Sydney, Australia, left over the weekend for Hollywood, where he will remain four or five days before sailing for his headquarters.

●

JANET MARTIN of WALT DISNEY'S Hollywood publicity staff returned to the coast over the weekend after a three-week vacation here.

●

P. J. MOONEY of Eastern Service Studios is back at his desk after a two-week honeymoon tour in the south and middle west.

●

MARCEL HELLMAN, British producer who has been visiting here, plans to leave today for the coast.

●

PAT O'BRIEN will leave this week for the coast after a short vacation here.

●

WAYNE MORRIS flew to Akron Friday night via American Airlines.

Hart Wins $276,965 In Suit Against UA

William S. and Mary Hart were awarded a verdict which, with interest, amounted to $276,965 against United Artists Corp. by a jury in the N. Y. Supreme Court on Friday after a one-week trial before Justice Bernard L. Shientag. The jury's verdict, was for $190,484.

Suit was filed by the plaintiffs, in which they sought $500,000, charging the defendant with breach of a contract for the distribution of Hart's "Tumbleweed," produced in 1925. The plaintiffs asserted that United Artists sold "Tumbleweed" with "Wild Justice," in violation of the contract.

United Artists gave notice of appeal and were allowed a 60-day stay for that purpose.

Hays' Birthday at Home

Will H. Hays left for Sullivan, Ind., his home town, over the weekend. He observed his 59th birthday there Saturday with members of his family and will cast his vote in the Indiana election there tomorrow. He is due back here Wednesday and may leave for the coast in about two weeks.

Insiders' Outlook

THE boys finally hooked Stephen Pallos for a lunch, before he sailed for London Friday. Only around 40 showed up to partake of his sudden hospitality at the Tavern. Pallos was glad to get off. Pallos, you know, is sales chief of London Films (Korda), and he is one of the most welcome visitors to these shores from the other side. Topping the guests was Murray Silverstone, operating chief of United Artists. Others included Emanuel Silverstone, Morris Helpern, Harry Buckley, Jack Schlaifer, Harry Gold, Lynn Farnol, Monroe Greenthal, Ben Washer, Meyer Beck, Charles Stern and Harry Kosiner.

▼ ▼

Eddie Cantor is arranging for Sol Sagall, managing director of Scophony, British television organization, to meet New York financial interests with a view to obtaining capital for two or three limited television networks in this country. Sagall arrived late last week from Europe.

Cantor says it will require between $5,000,000 and $10,000,000 to start operations. He said he has already paved the way for Sagall to discuss financing with Wall St. interests. The plan, he says, is to set up transmitters in New York, Los Angeles and probably one other center, for television broadcasts within a 100-mile radius. As soon as the engineers make it possible, the areas will be increased.

Cantor says he wants to be in on the ground floor when television arrives and will be interested in it from the business end.

▼ ▼

Additional capital, outside of that which is forthcoming from Prudential Assurance Co., may be negotiated for the Denham Studios and London Films, the Alexander Korda companies. Some kind of a new financing company is under way whose principle purpose it seems will be the financing of pictures and distribution deals, outside of Korda's own present arrangements. However, Prudential is the financial backbone of London Films.

▼ ▼

In 19 years Motion Picture Associates has expended approximately $100,000 in personal welfare work among the needy of the trade, according to Jack Ellis, organization president. The society's chief source of revenue is an annual dinner-ball, which, this year, will be held Nov. 26, at the Astor Hotel.

English Labor Probe Likelihood Receding

LONDON, Nov. 6.—Likelihood of a Ministry of Labor inquiry into labor conditions in the film industry has receded.

A ministry official told a deputation from the National Association of Kine and Theatrical Employes that many local agreements recently have been completed, and Ernest Brown, Minister of Labor, made a similar statement in answer to a query in the House of Commons. The labor organization, the Cinematograph Exhibitors' Association and the Ministry of Labor will meet shortly for discussion of the situation.

Warn London Show On Child Admissions

LONDON, Nov. 6.—Chairman of the London licensing session meeting on Friday, warned exhibitors against the alleged evasion of the regulation that "A" designated films are not to be shown to children.

Specifically, the chairman cited the ignoring by exhibitors of the practice of children who gain admission by persuading adults to buy tickets for them.

Jubilesta Shows Deficit

KANSAS CITY, Nov. 6.—The third annual Jubilesta showed a deficit of $16,025, although it played to more than 75,000. More than $125,000 was spent on the municipal show, and income totaled $109,100.

Selwyn Answers in "Dallas" Book Suit

Selwyn & Co., Inc., filed its answer on Friday in the U. S. District Court in the suit brought against it, Air Features, Inc., Olive Higgins Prouty, author of "Stella Dallas," and Samuel Goldwyn, Inc., Ltd., by NBC, Blackett-Sample-Hummert, Inc., and the Charles H. Phillips Chemical Co.

Selwyn & Co. asserted that it had bought the radio rights to the book, "Stella Dallas," by a payment of $1,350 Sept. 22, 1937, to the American Play Co., Inc., Prouty's alleged agent. The plaintiff had filed suit seeking an adjudication that they owned the radio rights to "Stella Dallas," claiming to have purchased them from Selwyn & Co. and Air Features. The plaintiffs state in their complaint that Prouty and Goldwyn are claiming ownership to the rights.

Arcadia to Educational

Arcadia Pictures Corp., a subdiary of Educational Films Corp., has been merged with the parent company. Arcadia was a holding company. The merger was in line with the transfer of certain assets to Grand National, Educational subsidiary.

Pelson Joins Imperial

S. Ernest Pelson, formerly personal assistant to Edward Alperson at Grand National, has joined Imperial Pictures as office manager and city salesman in Boston. He was secretary-treasurer of G. N.'s Canadian affiliate.

Columbia Talks Product at Sales Meet in Chicago

CHICAGO, Nov. 6.—Product available and that to come in the near future was discussed at a weekend regional sales conference held at the Blackstone Hotel.

"We have found that sales meetings at central locations several times a year make it easier for us to talk over details of problems that arise," said A. Montague in explaining the purpose of the sessions.

Eastern, southern and middle western divisions were represented. Another meeting will be held later for the coast and western divisions. Saturday and today were devoted to group discussions rather than general meetings. About 65 attended.

Those present were: A. Montague, Rube Jackter, Lou Weinberg, Lou Astor, Max Weisfeldt, Maurice Grad, H. C. Kaufman, George Josephs and Milton Hannock, New York; S. A. Galanty Washington, Phil Dunas, Chicago; Carl Shalit, Detroit; W. Bradfield, Kansas City; T. J. MacEvoy, Milwaukee; A. B. Leake, Des Moines; O. J. Ruby, M. Weisner, Milwaukee; H. J. Chapman, J. H. Jacobs, A. L. Aved, M. W. Sgutt, I. Marks, D. H. Conley, Minneapolis; S. R. Chapman, Milwaukee; M. H. Evidon, M. Goodman, M. L. Godwin, Des Moines; B. C. Marcus, C. E. Reynolds, H. S. Stulz, L. E. Royster, Kansas City; I. M. Weiner, S. Yaeger, E. Dunas, W. J. Foley, Omaha; R. F. Cloud, C. H. Townsend, L. Soskin, G. L. McCoy, Detroit; W. G. Craig, H. Kaufman, C. Butler, A. J. Gelman, Indianapolis; C. D. Hill, C. Ferris, L. A. LaPlante, J. Bradford, St. Louis; A. H. Levy, J. Gins, G. Tice, S. Sugarman, C. B. Kosco, Pittsburgh; L. Zucker, G. Becker, M. Glick, S. Gerson, Cleveland; L. E. Davis, P. Niland, C. R. Palmer, H. W. Rullman, Cincinnati; O. D. Weems, C. A. Wingfield, J. B. Walsh, B. Caplon, Washington.

Retitle Universal Serial

HOLLYWOOD, Nov. 6.—The title of "Eagle Scout" has been changed to "Scouts to the Rescue" by Universal.

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

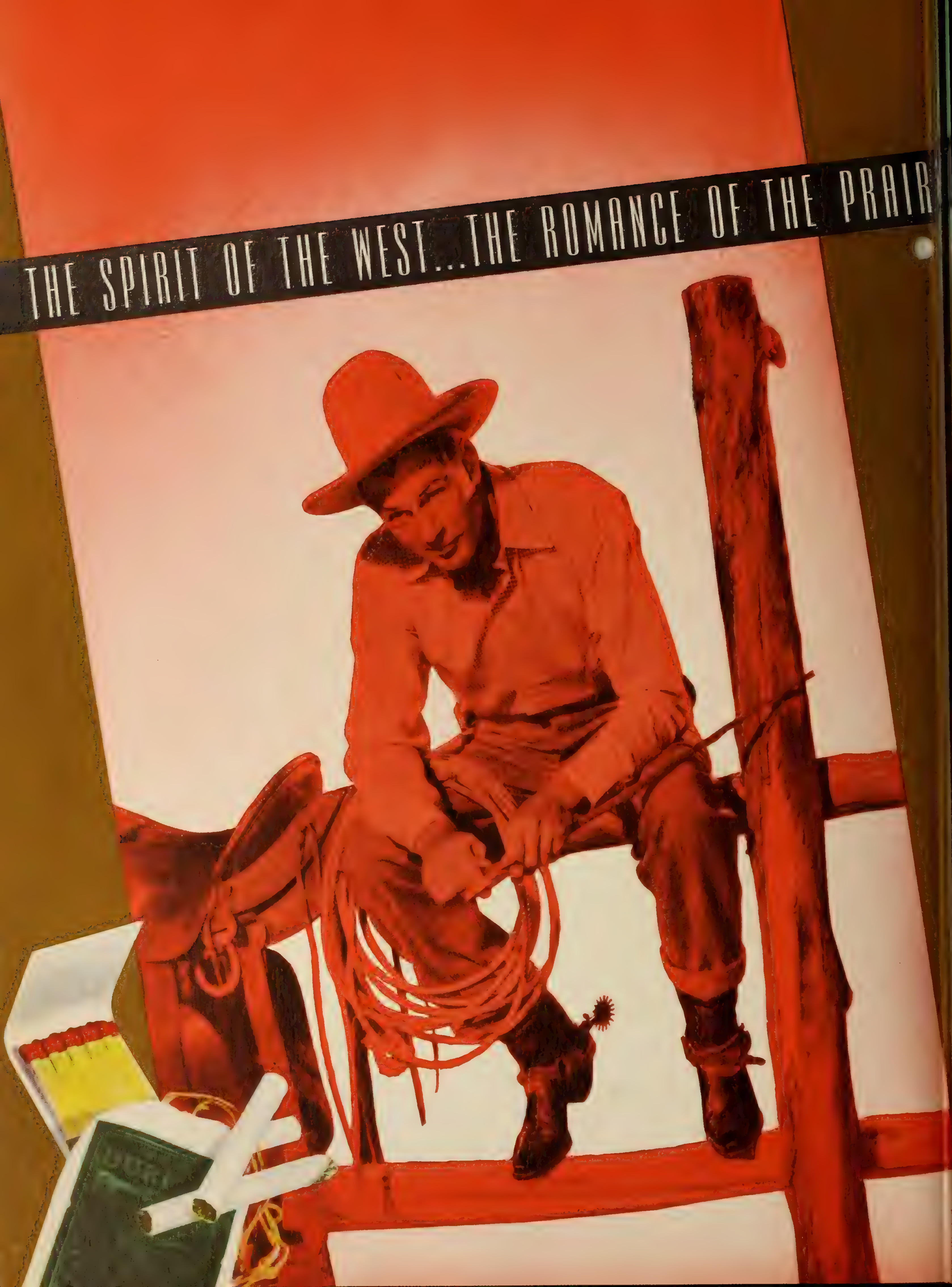
Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS:—*Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

SAMUEL GOLDWYN'S FIRST IS ON THE WAY


THE SPIRIT OF THE WEST...THE ROMANCE OF THE PRAIR

RAIR OON . . . THE GLAMOUR OF THE SCREEN'S GREAT STARS

SAMUEL GOLDWYN
presents
GARY COOPER
and
MERLE OBERON
in
THE COWBOY AND THE LADY
with PATSY KELLY · WALTER BRENNAN
FUZZY KNIGHT · MABEL TODD · HENRY KOLKER
directed by H. C. POTTER - released thru UNITED ARTISTS

Balaban Will Add Theatres To His Duties

(*Continued from page* 1)

LeBaron. Balaban and Griffis are scheduled to leave for New York within the next few days, to arrive here next Monday, after a probable stopover in Chicago. Zukor may leave Hollywood in a week or 10 days and spend about two weeks here before sailing for London to take over his new post as head of Paramount operations there.

Montague Goldman, Paramount general sales manager for England, resigned that post over the weekend, and Charles Penley, general manager for Paramount theatres in Great Britain, also resigned. No successor has been named to either post.

Goldman's resignation was the second in the British sales organization within recent weeks, having been preceded by that of J. C. Graham, former managing director for the company. The latter's post is being filled temporarily by Hicks.

The company's estimated net profit after all charges for the third quarter ended Oct. 1, was $650,658. Included in the estimate are $495,000 of undistributed earnings of subsidiaries and a profit of $233,000 on the purchase of debentures of Paramount Pictures, Inc. With this estimate, the company's earnings for the nine months just ended are figured at $1,876,469, which includes $1,660,000 of undistributed earnings of subsidiaries and $245,000 profit on debenture purchases.

"Great Waltz" Final At Waldorf Dec. 12

William R. Ferguson, M-G-M exploitation manager, has made arrangements for the finals of the "Great Waltz Competition," sponsored by the company and newspapers, to be held at the Waldorf-Astoria Dec. 12.

The local newspaper tieup is with the *World-Telegram*, which published its first double-page spread on the contest last Saturday. Newspapers in many cities are cooperating on local waltz competitions.

Twenty-four zone finalists will compete in the finals at the Waldorf-Astoria for the grand prize of a three-month contract at the M-G-M studio and other awards. An attendance of 3,500 is expected at the finals. Proceeds from ticket sales will be given to the Red Cross.

Imperial Files New Stock Issue at SEC

Washington, Nov. 6.—A registration statement covering the issuance of 425,000 shares of $1 par common stock has been filed with the Securities and Exchange Commission by Imperial Pictures, Inc.

The statement showed that 1,000 shares have been sold and an additional 424,000 shares are to be offered at a price of $1.50 per share, from which the company will secure $637,500.

The company's original registration statement became effective April 8. the new registration being an amendment thereto.

Bway Has 21 Shows

Closing on Saturday of "On Borrowed Time," after 320 performances, "Dame Nature," after 48, and "Waltz in Goose Step," after 7, brought legitimate stage plays on Broadway down to 21.

"Leave It to Me," a Vinton Freedley production of a play by Bella and Samuel Spewack opens Wednesday at the Imperial. "Where Do We Go from Here?" by William Bowers, produced by Oscar Hammerstein 2d and Dwight Taylor, opens Thursday at the Vanderbilt. WPA closed "Prologue to Glory" on Saturday after 167 performances and left two shows still on view.

Fairbanks May Produce Here For U.A. List

(*Continued from page* 1)

to America. He will arrive Thursday on the *Normandie*.

London advices are that Marks is making the journey from London especially to talk the matter over with Fairbanks. Fairbanks is expected here from the coast during the latter part of the week to meet Baillie.

Presumably, if a deal is concluded and a firm is organized, it will be formed to make a series of films. This would be required were the prospective new firm leaders to try to obtain a release from United Artists on product.

The United Artists company policy, which is well known, is that its releasing books are open only to qualified producers who can deliver a specific number of films over a period of years.

Lawler Testifies in City Sales Tax Case

(*Continued from page* 1)

because they believed it would not apply to films which are leased, not sold, and also believed that since films move in interstate commerce they would not be subject to a municipal tax.

Hearings were held in the city comptroller's office. The next is scheduled for Nov. 16. Distributors have been collecting and paying the tax since June, 1937, and paid the accrued tax to that date when the state Court of Appeals held that it was applicable to films exhibited in city theatres serviced by local exchanges.

Slander Suit Filed Against Louis Mayer

Hollywood, Nov. 6.—William H. Neblett, attorney, filed suit against Louis B. Mayer in Superior Court here Friday for $500,000 damages for alleged slanderous statements made by Mayer last year. The action involved alleged statements concerning the I. A. T. S. E.

Columbia Talking Expansion of Its British Program

(*Continued from page* 1)

ing from $200,000 to $300,000 each. The films will serve for double quota credit.

Cohn said the present arrangement with Denham may be renewed for next year, but all plans are subject to investigation on the ground.

Europe's war scare of several weeks ago disrupted Columbia's foreign plans in work at the time, and the executives will seek to finalize them on their present trip to London and Paris. The Central European and Italian situation will also receive their attention. Cohn expects to be back in about a month. McConville and Segal will return late in December.

Douglas Fairbanks, Jr., sailed for a vacation in England. He said he had commitments with RKO and Selznick International and will start in a film for the latter on his return. Gary Cooper also left for a holiday and will make "Last Frontier" for Samuel Goldwyn when he gets back.

Richard Collet, manager of the D'Oyle Carte Opera Co., who sailed on the same ship, said "The Mikado," first color film made by the company in England, will be released there at Christmas and future production of Gilbert & Sullivan pictures hinges on its reception. An American release for the film is still being negotiated.

Ask Child Grading Of Canadian Films

(*Continued from page* 1)

would designate films regarded as suitable for children of seven to 12 years, and others suitable for those from 12 to 16. A pedagogic committee will study the matter before final action is taken.

Suggestions concerning juvenile theatre attendance were invited by the commission in connection with the investigation of the subject now under way in the province. Proper superintendence of theatres to prevent a recurrence of anything like the Laurier Palace disaster of 10 years ago, the tragedy which prompted provincial legislators to bar children from theatres, was urged by Dupuis.

Yamins Asks Allied Members for Funds

Boston, Nov. 6.—Nathan Yamins has issued a call for funds for the Allied treasury. He asks each independent theatre affiliated with the organization to send $5 to Herman Blum, Washington.

"The tactical situation of the independent exhibitor today is marvelous," Yamins says in his appeal. "Allied has been compelled to dig into its resources, and, now, with the most important job still to do and resulting expenses mounting daily, finances are running low."

Pathe Gets Fox Music

Sam Fox Publishing Co. has closed a five-year deal with Pathe News for the use of all of its music catalogues in Pathe newsreels and shorts.

Bernstein and Warner Again Heading Drive

David Bernstein and Major Albert Warner will act as co-chairmen for the fifth successive year in the film, theatrical and allied divisions of the annual campaign for the Federation for Support of Jewish Philanthropic Societies of New York.

Plans for the drive were discussed at a meeting at the Hotel Astor Friday. Last year these divisions raised $180,000 and a higher goal has been set for this year.

Members of the various groups and sections for the drive follow:

Film distributors—Columbia, Jack Cohn, Abe Schneider, Nate Spingold, Max Seligman; RKO—George J. Schaefer, Jules Levy, Phil Reisman, Malcolm Kingsberg, Leon Goldberg; 20th Century-Fox—Joseph Moskowitz; National Screen Service—Herman Robbins; Paramount—Joseph Cooper, Arthur Israel; Educational—Jack Skirball; Grand National—Edward L. Alperson; Warners—Sam Morris, Jules Levy, Max Blackman; Loew's—Leopold Friedman, Joseph Vogel, Eugene Picker, Charles C. Moskowitz, Oscar Doob; Universal—Nate J. Blumberg, M.P.P.D.A.—Roy Norr.

Music Publishers Listed

Music publishers and composers—Louis Bernstein, Jack Mills, Irving Caesar, Buddy Morris, Jack Robbins, Jack Bregman; laboratories—Alan E. Friedman, Ralph Poucher, Jules Brulatour; independent theatre owners—William Brandt, Harry Brandt, B. S. Moss, Sam Strausberg, Ed Rugoff, Leo Brecher, S. H. Fabian, Louis Frisch, Fred V. Storrs, Fred J. Schwartz, Sam Rosen, Sam Rinzler; independent producers—Budd Rogers; legitimate stage—William Klein, Marcus Heiman, Lee Shubert, Max Gordon, Harry M. Goetz; artists' representatives—William Morris, Jr., Abe Lastfogel, Arthur Lyons; foreign departments—M. A. Schlesinger; costumes—James E. Stroock; radio stations—Donald Flamm; accessories—Ben Moss, Sam Dembow, Jr., Eugene Picker and Joe Hornstein; night clubs—Ted Friend, Hy Gardner, Herman Stark, Noah Braunstein, Joe Moss; orchestras—William Goodhart, Harry Kalcheim; publications—Jack Alicoate, Sid Silverman, Martin Quigley, Maurice D. Kann; attorneys—Louis Phillips, Louis Nizer, Charles Schwartz, Julian Abeles; artists division—Louis K. Sidney, Phil Baker, Ben Bernie, Ed Wynn, Louis Sobol, Marvin Schenck, Eddie Cantor, Leo Brecher; burlesque theatres—Max Rudnick.

Tribute to Rogers Is Led by Roosevelt

Claremore, Okla., Nov. 6.—President Roosevelt, broadcasting from Hyde Park, N. Y., led the list of notables who paid homage to the memory of Will Rogers at the dedication of the memorial to the state's famous son here Friday.

More than 20,000 people gathered in front of the $200,000 Rogers Museum.

Politics Jams Air Lanes as Election Nears

(*Continued from page 1*)

on both key stations, WEAF and WJZ and the network's remaining stations in New York state. Of the total of $28,870, the Democrats spent about $3,535, the Communists $855, the American Labor Party $480, and the Republicans, the balance of approximately $24,000.

The CBS total of $50,000 was gained as the result of selling 32 program hours over 15 stations for political talks. Beyond this no further breakdown is obtainable from the network.

WOR-Mutual (in New York state only) sold 17½ hours for $23,580, as follows: New Jersey Democratic Party, $2,640; New York Democratic Party, $11,820; New Jersey Republicans, $2,200; New York Republicans, $4,980; American Labor Party, New York, $900; Citizens Non-Partisan Committee, $1,040.

WHN reports political business to date of approximately $18,000, exclusive of what the station derived in serving as a link of the New York State network, which was organized primarily to capture the political business. WHN's political total is amazing, but it is explained by the fact that practically all the candidates who appeared on the networks doubled by using also the facilities of WHN. The station also did a large amount of spot politicals.

WMCA reports a political total of approximately $6,000.

Frisco Judge to Air Drama of Courtroom

San Francisco, Nov. 6.—KSAN plans a weekly broadcast from the courtroom of Municipal Judge Jefferson E. Peyser, to be called "Humanity Passes Before the Judge." In order to overcome previous objections of the legal society here, the station has proposed to have the judge discuss cases that have appeared before him, after the docket is closed for the day.

Name International CBC European Agent

Montreal, Nov. 6.—International Broadcasting Co., Ltd., has been appointed exclusive agent in Great Britain and Europe for commercial programs on the Canadian Broadcasting Corp. network.

International will form a Canadian company, with offices here, through which the business will be operated in Canada.

Ernie Gill on KGO

San Francisco, Nov. 6.—KGO, Blue network station here, has been designated for a full hour sustaining program each Sunday afternoon, for coast-to-coast airing opposite the Chase and Sanborn broadcast on the Red web. Program will be called "Out of the West," featuring orchestra conducted by Ernie Gill, narrator John B. Hughes, vocalists Betty Kelly, Armand Girard, George Nickson and Knickerbocker Quartet.

Natives Return

Toronto, Nov. 6.—Raymond Massey and Walter Huston, Canadian native sons, are returning to play leading roles in Canadian Broadcasting Co.'s Shakespearian dramatizations.

Massey will appear in "Richard II," Nov. 27 and Huston played the title role in "Othello" tonight. Both appearing on Broadway, they are dashing to Toronto for the broadcasts, both scheduled for Sundays.

All-Canada Obtains Lone Ranger Group

A deal signed in New York over the weekend involves NBC, King-Trendle Broadcasting Corp. and All-Canada Radio Facilities, Ltd., and calls for exclusive representation in Canada by All-Canada Facilities of the "Lone Ranger" transcriptions. King-Trendle owns the rights to the "Lone Ranger" title, and NBC owns the sales rights for Canada.

The long term contract was signed by Harold Carson of All-Canada and C. Lloyd Egner, manager of NBC's transcription department.

Standard Oil Holds Its Coast Symphony

San Francisco, Nov. 6.—Standard Symphony Hour, broadcast each Thursday over KPO and the west coast NBC-Red by Standard Oil of California, has been extended to April 27. Nine programs will originate in San Francisco, directed by Pierre Monteux; 10 in Los Angeles, conducted by Otto Klemperer and Henri Svedrovsky; three in Seattle, under Nicolai Sokoloff, and three in Portland, directed by Edouard Hurlimann.

Set Red Cross Broadcast

A special broadcast for the annual Red Cross Roll Call has been arranged by CBS and NBC. The CBS show will come from New York and Washington, and will include performances by Ben Bernie, Guy Lombardo, Connie Boswell and Lauritz Melchior. It will be broadcast Nov. 12 from 9 to 9:30 P. M. The NBC show will consist of a special dramatization of "The Power and the Glory" with Dorothy Gish in the lead. It will be broadcast Nov. 13 on the Red at 3:30 P. M.

Six Shows Extend Mutual Chain Time

Six Mutual programs, currently on the air, have extended their networks. The "Good Will Hour," now coast-to-coast Sundays at 10 P. M., has taken on the Texas State network of 23 stations, plus WICC, Bridgeport.

"Famous Jury Trials," cooperative show Wednesdays from 10 to 10:30 P. M., has added WICC, where it will be sponsored by the Marlin Razor Co. The "Lone Ranger," cooperatively sponsored in some cities, has been placed on WOL, Washington, for the General Baking Co. "Show of the Week," cooperative musical program, has been purchased by the Davis Perfection Bakeries over KHJ in Los Angeles. Fulton Lewis' political commentaries from WOL, Washington, has been ordered for broadcast over KVOD, Denver, by the United Fruit Co., and KWOS, Jefferson City, Mo., is now taking "Don't You Believe It," sponsored by the P. Lorillard Tobacco Co.

RCA Nine-Month Net Profit Is $4,141,205

RCA reports a net profit of $4,141,205.78 for the nine months ending Sept. 30. After preferred dividends of $2,417,276.80 this leaves $1,723,928.98, or 12 4/10 cents per share on the common.

For the same period the previous year the net was $6,599,111.84, with $2,417,276.80 for preferred dividends and $4,181,835.04, or 30 1/10 cents per share, for the common.

Total gross income for the nine months of this year from all sources was $70,878,614.73.

"Night of Stars" on WHN

WHN will broadcast exclusively the "Night of Stars" benefit performance at Madison Square Garden Nov. 16. The broadcast will begin at 9 P. M. and will be heard until 10 P. M. At 11:15 the program will be resumed and will continue until 2 A. M. Louis K. Sidney, WHN managing director, is chairman of the producing committee for the show. Scores of celebrities will participate in the affair.

Bankers Will Transcribe

The American Bankers Association has signed for 13 quarter-hour transcribed programs which will feature Nat Shilkret's orchestra. The platters will be made available to 10,000 member banks of the association, for placement on local stations.

Milwaukee Paper Planning Regular Television Shows

Washington, Nov. 6.—The Journal Co., publishing the *Milwaukee Journal* and operating WTMJ in that city, on Saturday filed with the Federal Communications Commission an application for a license to operate a television station with a regular schedule of programs.

WTMJ is the first station to file a television application for a regular schedule of television program transmissions. All other television transmitters operate experimentally. Plans call for two 1,000-watt ultra high frequency transmitters. The company will distribute at its own expense at least 50 television sets in homes and public places once operations begin.

Realizing that Milwaukee cannot compete with centers like New York and Hollywood in talent, the station will televise chiefly Milwaukee news and personalities with a view to developing the station's own newsreel.

▶ *Radio Personals* ◀

Ronnie Ames, publicity and promotion head for Rockwell-O'Keefe, is on the road with the Mills Brothers. . . . Fred Weber, Mutual's general manager, off to Cleveland to spend several days at Mutual's station in that city. . . [illegible]n Gross, radio editor of the *Daily News*, is mourning the loss of his mother, who passed away Friday at her home in Birmingham.

Moore Paint Signs On NBC for 13 Weeks

A contract for one new program, and three renewals have been closed at NBC.

Benjamin Moore Paint Co., which has used NBC facilities in previous years, has signed a 13-week contract for a new show to start Jan. 7, 1939. The Basic Red network, plus WIRE, Indianapolis, will be used. The contract was placed direct.

R. L. Watkins Co., sponsoring "Alias Jimmy Valentine," dramatic script serial featuring Jimmy Meighan, has been renewed for 52 weeks, through Blackett - Sample - Hummert. The renewal takes effect Dec. 5. Program is heard on the Blue. Signal Oil Co., sponsoring "Signal Oil Carnival" over a coast network of stations, has renewed the program for a full year through the Logan & Stebbins agency. "The Gospel Singer," formerly on CBS and now on NBC for Procter & Gamble, has been renewed for 34 weeks of daily broadcasting on the Red. The Compton agency placed the contract.

To Televise London Armistice Ceremony

London, Nov. 6.—Armistice Day will be the subject of a special television broadcast over the B. B. C. transmitters. No commentary will be given. Televised will be the marshaling of the troops in Whitehall, scenes at the Cenotaph and the striking of 11 o'clock by Big Ben.

Vallee Switches to Coast for Broadcast

San Francisco, Nov. 6.—Rudy Vallee's Royal Desserts will originate here Nov. 17 from the Community Playhouse. Vallee and his Connecticut Yankees will be here as the chief entertainment feature of the annual Auto Show in the Civic Auditorium.

WHN Gets 5th Ave. Bus

Three contracts for as many local business houses have been placed with WHN. Fifth Ave. Coach Co. has contracted for 48 weeks of announcements over the station, Vendon Bros. have signed for 26 weeks for a Sunday half-hour program, starting immediately.

Erwin, Wasey BBC Agent

London office of Erwin, Wasey & Co., has been appointed to handle three magazines published by the British Broadcasting Co., *Radio Times*, *World Radio* and *The Listener*. The appointment becomes effective Jan. 1.

FILE COPY
DO NOT REMOVE

Alert. Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 44. NO. 91 NEW YORK, TUESDAY, NOVEMBER 8, 1938 TEN CENTS

Nets to Drop Use of News "Flash" Style

Network Heads Work Out Agreement with FCC

WASHINGTON, Nov. 7.—An agreement under which the use of the "flash bulletin" news announcement technique will be abandoned on all but news programs was worked out here today. Conferring with Chairman Frank R. McNinch of the Federal Communications Commission were William S. Paley, CBS president; Lenox R. Lohr, NBC president, and W. S. Macfarlane, head of Mutual.

The conference to which the leading network heads were invited was an outgrowth of the CBS "War of the Worlds" broadcast of Oct. 30, in which the H. G. Wells novels was dramatized with such realistic use of the news flash method that panic resulted in some localities.

IATSE Begins Drive To Push Lab Union

Organization of laboratories in the east is under way by the I. A. T. S. E. under the direction of Dick Walsh, vice-president, who is cooperating with Motion Picture Laboratory Technicians Union, Local 702.

In addition to the contract recently signed with Du Art, Warners, De Luxe and Ace laboratories are working under union contracts. An agreement on conditions is being worked out with De Luxe and Consolidated, where contract provisions have been continued following expiration of the old pacts.

British Independent Group in Bankruptcy

LONDON, Nov. 7.—Two receivers have been appointed to take over the affairs of British Independent Exhibitors, Ltd., collective distribution group in which a number of independent exhibitors have holdings.

It was formed with the idea of obtaining product, perhaps by sponsoring production, and distributing it primarily to the group's members, but also to the trade generally.

Linked with it in turn have been the Rock Studios, Elstree.

Radio—P. 4

Para. Men Return

Paramount home office executives who have been at the studio for the past few weeks are due back in New York Friday morning. The eastbound group includes Barney Balaban, president; Stanton Griffis, chairman of the executive committee; Y. Frank Freeman, studio head; Robert Gillham, advertising director, and Russell Holman, eastern talent and story head.

B'way Grosses Up; Several Holdovers

Broadway grosses over the weekend rose considerably and most first runs are holding current films. "Brother Rat" is set for a three-week run at the Strand, "That Certain Age" is being held a second week at the Roxy, and "The Citadel" will continue at the Capitol.

"Men With Wings" finishes its second week tonight with $35,000 indicated and will be held for a third. "Marie Antoinette" will wind up a 14-week run at the Astor Nov. 18. It took $5,300 in the 12th week. "Pygmalion" will go to the Astor next, but no date has been set.

Excellent weekend business also warranted a second week for "The Young in Heart" at the Music Hall. "Peg of Old Drury" entered its third week at the Little Carnegie Playhouse. It previously had had an extended run at the Plaza. "Five of a Kind" did $5,700 at the Globe.

TRADE AGREEMENT SEEN IN 2 WEEKS

Negotiations Ready for Drawing Up Platform In Final Form

Trade practice negotiations are progressing rapidly and final form and program may be completed within the fortnight. It is possible that an agreement may be obtained next week by M. P. T. O. A. and the distributors. Agreement with Allied has already been attained in principle.

There is every indication that events have moved far enough along for the respective negotiating groups to begin preparation of the final platform.

The distributors' negotiating committee, headed by Sidney R. Kent and William F. Rodgers, will present the principles so far agreed upon in the

(*Continued on page* 4)

U. S. Pictures Reap Harvest With Czechs

PRAGUE, Nov. 7.—Out of the fog of uncertainty that has shrouded Czechoslovakia since its partition by Germany, Poland and Hungary there has come the prospect that American films will dominate this market more than ever before.

Three hundred theatres went to the Germans when they took the Sudeten area, but these were houses where German films have predominated in the past. In the revulsion of feeling that has followed the loss of territory German films, German newsreels, and French and Russian films have disap-

(*Continued on page* 2)

Ontario Is Facing New Admission Tax

TORONTO, Nov. 7.—Ontario exhibitors are facing the prospect of amusement taxes being resumed. The University of Toronto, most influential school in the Dominion, has suggested that needed financial support

(*Continued on page* 4)

Film Firms Abide by Wage Law, IATSE Heads Assert

Motion picture employers covered by the Federal wage and hour law are abiding by the provisions where union labor is employed, and no complaints of any consequence have so far been received, it has been learned from I.A.T.S.E. headquarters.

None of the employers have conferred with the I.A.T.S.E. in New York following the ruling by the office of Elmer Andrews, administrator, in Washington, that they should reach an agreement with the unions.

The union is standing on the informal ruling of the administrator's counsel that theatres are not affected. What happens from that point isn't known.

With regard to other branches of the industry, including exchanges and laboratories, Lou Krouse, assistant to the I.A.T.S.E. president, said that union agreements do not exceed the 44-hour week and are thus within the law. Wage scales in every instance are higher than the minimum of 25 cents an hour.

Where complaints arise, they will be left to the locals. Nothing arbitrary will be done. A committee from Local 306 registered a complaint with I.A.T.S.E. officials yesterday regarding an exhibitor who was said to have worked operators 48 hours a week. The committee was told to attempt to work out a settlement with the exhibitor before filing a formal complaint.

Shorts Producers In England Unite

LONDON, Nov. 7. — British short subject producers have formed a new association divorced from the F.B.I. and affiliated with the Sub-Standard Cinematograph Association. H. Bruce Woolf of Gaumont British Instructional is chairman of the group. About seven companies are at present associated with it.

The association aims to develop the position gained under the Quota Act and "correlate their problems to those of the feature film section of the industry."

Broadway Awaiting Big Election Jam

Broadway theatres are expected to benefit from Election Day crowds tonight. Interest in the gubernatorial contest is high this year, due to the closeness of the race, and it is predicted that at least a quarter of a million people will crowd into the Times Square area in spite of radio's draw.

Theatres have made arrangements to give election returns. Matinee business may be light.

Offices are closing generally at noon. This will release hundreds of thousands in Manhattan.

Most houses will hold midnight shows.

U. S. Pictures Reap Harvest With Czechs

(*Continued from page* 1)

peared from theatres. English films never were an important factor.

In recent years Czechoslovakia has imported about 350 films annually. Of these, 150 to 170 have come from the United States, with Germany second at 100 features. Importation of German pictures has stopped completely. The film treaty with Germany expires Dec. 31, and notice of its prospective termination was sent to Berlin Oct. 1. Negotiations for a renewal are expected to take place, but there is no doubt that the German total will be small in the future.

Pressure is to be brought to bear to increase Czechoslovakian production with the aid of increased Government subsidies, as officials are now convinced that the country's most valuable propaganda medium is through its films. The press is urging increased Government support for production. "Aktualita," the native newsreel, is developing into a strong influence.

Newsreels Fox, Paramount

Fox and Paramount furnish practically all of the imported newsreels.

Every foreign film coming into the country pays a fee of 17,000 crowns under the terms of the last American-Czechoslovakian treaty. This money goes to an import fund from which native production receives its support. In addition, the Ministry of Finance supplies production credits. These credits will be stopped, it is understood, and the system of subsidies from the import fund will be changed. Control of the fund rests with the Film Advisory Board (Ministry of Commerce). One of the new plans under discussion will be the organization of a Czechoslovakian Film Chamber.

Under this arrangement, it is proposed that all producers shall become members of the chamber. Drastic action will be taken to suppress "wild cat" producers. Reduction of production costs and star salaries is proposed, with negotiations already under way.

Germans Are in Quandary

Representatives of German companies are in a quandary. It is expected they will either close their offices or turn to native production. Ufa's policy has been to produce some pictures here each year in the Czech language.

American companies will be unable to release any films dubbed in German hereafter, but they will not need them as the theatres which used them were transferred with the Sudeten German territory.

Best business in recent months has been done by M-G-M which released "Marie Walewska" just before the mobilization in a new, modern house called the Broadway.

Twentieth Century-Fox has just released "In Old Chicago" and "Josette," starring Simone Simon. Paramount has had some good pictures.

Universal's "100 Men and a Girl" was a sensation. Many contracts have been closed for the next Deanna Durbin picture and the Danielle Darrieux feature, "Girl from Paris." United Artists is doing well with a number of pictures which have been generally booked by both first and second runs.

The biggest recent hit has been RKO's "Snow White and the Seven Dwarfs," now in its ninth week at the Bio Alfa. Business would have been even better if the political situation had not cut grosses generally.

Czech pictures are doing extremely good business. "The Girls from Kuttenberg," the film which received the gold medal at Venice, is running in 13 houses after a four-week run in the house where it opened.

It is expected the new regulations will seek to force export of Czech films.

Insiders' Outlook

JAMES J. WALKER, former Mayor of New York City, opened a series of broadcasts last Sunday over WMCA, sponsored by the Modern Industrial Bank, and from all accounts he did okay, giving a lively, human interest performance. His guests who contributed their time and talent gratis, were George Jessel, Sheila Barrett, Sid Gary, Dave Apollon, Mary Jane Walsh and the Lee Grant band. The program is called "Jimmy Walker's Visiting Hour," and, as the title suggests, he visits institutions where he provides good cheer and music for the sick. The opening broadcast was from the psychiatric pavilion at Bellevue. Next week it will be from King's County Hospital.

▼ ▼

Settling a case out of court and then failing to withdraw an appeal taken to a higher court can stir up a series of complications. Texas Consolidated Theatres found this out when it appealed a verdict given S. H. Pittman for injuries suffered by his wife. While the appeal was pending the case was settled.

The Circuit Court of Appeals paid no attention to the settlement and affirmed the judgment. Texas took another appeal, but the judgment was affirmed in the District Court. Yesterday the U. S. Supreme Court dismissed the Texas petition for a reversal of the lower court action.

▼ ▼

If two-thirds of England's 45,000,000 population passed through the M-G-M Empire, Leicester Square, in the past 10 years, it would mean that the theatre played to 59,000 persons weekly, on the average, or about 8,400 persons daily, on a seven-day week. And that's what Sam Eckman is supposed to have stated, according to London advices, at a luncheon commemorating the 10th anniversary of the theatre.

▼ ▼

Universal concluded a five-year licensing contract for the sale of its product in Italy by a resident agent last summer, prior to formation of E. N. I. C. The deal was approved in advance by the Italian Government. There is a question now whether the company can be relieved of its obligation in the deal when the Italian decree creating the distribution monopoly for the Government controlled agency becomes operative, Dec. 31. If not, Universal may be obliged to continue in the Italian market, although sentiment on the subject within the company appears to be no different from that in other companies which are preparing for complete withdrawal from Italy by the end of the year.

Understood here that J. Cheever Cowdin, Universal board chairman, asked for a ruling on the contract from Marchese Paulucci di Calboldi, director of the Italian agency, in London last week. If a ruling was given, no word of it has been received here.

▼ ▼

S. Charles Einfeld, Warner advertising and publicity chief, recently arrived from the Coast, thinks that results from the present MPGY drive by the industry will be even greater and more apparent as the campaign comes to a close. Einfeld thinks it is premature to figure the fullest results at this early date.

Zukor Made Producer

Hollywood, Nov. 7. — Eugene Zukor, son of Adolph Zukor, was made associate producer in the Harold Hurley unit at Paramount today. His first picture will be J. Edgar Hoover's "Federal Offense" with Lloyd Nolan and Robert Preston.

Further Talks to Be Held on Copyrights

Further conferences on proposed amendments to the Federal copyright laws by representatives of the film and other industries directly interested in their revision will be held Nov. 21. No definite agreement on recommendations to be made to Congress for changes in the present laws were reached at the session held at the Bar Association Bldg. last Friday.

A section of the local copyright conference will leave for Lima, Peru, in about two weeks to attend an international copyright meeting there in December. The remainder of the committee will continue its work here.

Schaefer Is Ampa Guest

George J. Schaefer, RKO chief executive, will speak on the M.P.G.Y. drive at the Ampa luncheon meeting Thursday at the Astor.

The entertainment program will include Ann Miller of the cast of "You Can't Take It With You" and Luis Zingone, card manipulator.

Purely Personal

H. M. RICHEY, former independent exhibitor leader, took over his new post as director of exhibitor relations for RKO yesterday.

•

Laurence Olivier will arrive Thursday on the *Normandie*. He is on his way to the coast to appear in Samuel Goldwyn's "Wuthering Heights."

•

Fredric March, who recently finished in Walter Wanger's "Trade Winds," is in New York. He intends to take a stage role.

•

Walter Futter, who has been in England for eight months, will return Thursday on the *Normandie*.

•

Everett Riskin, Columbia producer, arrived in New York yesterday from the coast.

•

Sam Marx, Columbia west coast scenario editor, is extending his stay here.

Harry Kendrick Dies

Ambridge, Pa., Nov. 7.—Harry Kendrick, 46, manager of the Warner house here, died yesterday in Valley Hospital from pneumonia. He formerly was with Fox Theatres. Funeral services were held today in Philadelphia, his home. His widow survives.

Meloy Dies at 75

Shelbyville, Ind., Nov. 7.—Funeral services were held here today for W. C. Meloy, 75, who opened the Strand here in 1916, and acquired the Alhambra several years ago. Meloy died Friday of a heart attack.

No U. A. Meeting Likely

Although the annual meeting of United Artists stockholders is scheduled for tomorrow no call has gone out yet for proxies here. Indications are the meeting will be postponed to a later date.

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

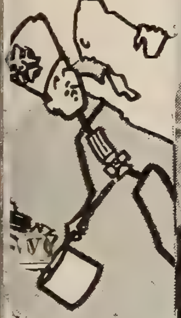
Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

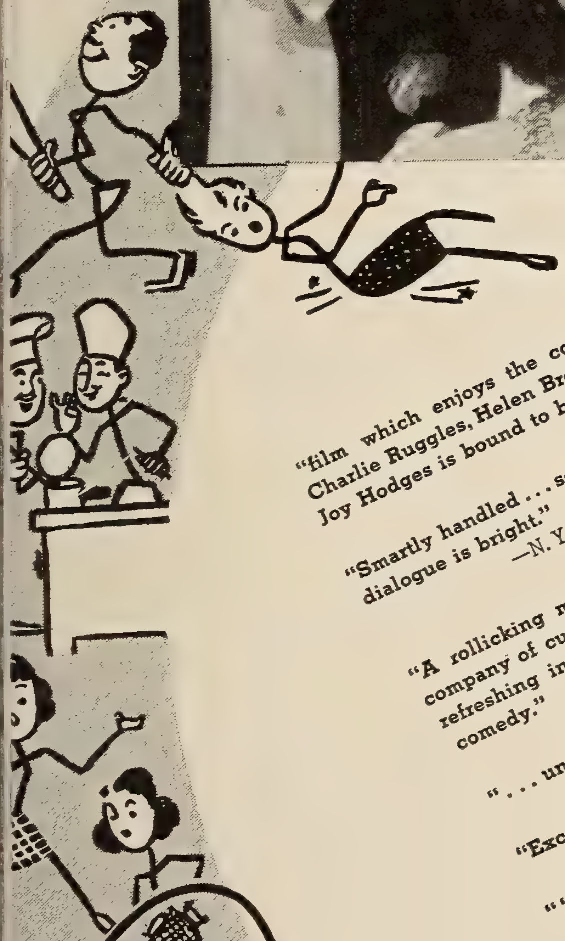
Other Quigley publications: Motion Picture Herald, Better Theatres, Teatro al Dia, International Motion Picture Almanac and Fame.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.





"film which enjoys the combined services of Charlie Ruggles, Helen Broderick, Mischa Auer, Joy Hodges is bound to be a lively affair."
—N. Y. TIMES

"Smartly handled . . . sets are handsome and the dialogue is bright."
—N. Y. JOURNAL AND AMERICAN
Rose Pelswick

"A rollicking merry farce, brings a peerless company of cut-ups to the Rivoli . . . gay fun . . . refreshing in its departure from the routine comedy."
—DAILY MIRROR
Bland Johaneson

" . . . unusually bright . . ."
—TIME MAGAZINE

"Excellent comedy for sure entertainment."
—VARIETY

" 'Service De Luxe' is a sure box-office hit."
—LOUELLA O. PARSONO
(Morning Examiner)

" 'De Luxe' is a Universal hit with class production that packs liberal entertainment."
—PICTURE REPORTS

" 'De Luxe' a 3 star film."
—LIBERTY

"Picture is an excellent, merry, romantic farce."
—JOMMY STARR
(L. A. Evening Herald-Express)

" 'De Luxe' has abundance of laughter for entertainment."
—NATIONAL BOX OFFICE DIGEST

" 'Service De Luxe' is De Luxe in every department including the box-office."
—MOTION PICTURE DAILY

"Merry, romantic comedy. Supplies plenty of entertainment and should click."
-FILM DAILY

Praise for DE LUXE

CONSTANCE BENNETT in
"SERVICE DE LUXE"
VINCENT PRICE
with CHARLIE RUGGLES · HELEN BRODERICK · MISCHA AUER · JOY HODGES

Screenplay by Gertrude Purcell and Leonard Spigelgass
Original story by Bruce Manning and Vera Caspary
Directed by Rowland V. Lee · Associate Producer: Edmund Grainger

A ROWLAND V. LEE production

A NEW UNIVERSAL PICTURE

Trade Pacts Now Nearing Final Stage

(Continued from page 1)

negotiations to individual distribution companies for their final approval during the next week. Tomorrow, Ed Kuykendall, M. P. T. O. A. president, will confer with Kent and a date will be set then for the final meeting of the M. P. T. O. A. executive committee with the distributors' representatives. The meeting will be held about the middle of next week and should produce an agreement within a day or two. Thereafter, the distributors' committee will convene alone to coordinate the agreements with three exhibitor groups into a single program of self-regulation.

The M. P. T. O. A. program was fairly well outlined when its initial negotiating session with the distributors was adjourned Oct. 21 to permit the exhibitor committee members to attend the organization's national convention at Oklahoma City. The final meetings with the distributors' committee are primarily for the purpose of ironing out details of the major proposals already agreed on in principle, such as the graded cancellation clause, elimination of the separate score charge, outlawing the forcing of shorts, the setting up of conciliation boards and protective measures on non-theatrical and radio competition.

Date to Be Agreed Upon

Major differences between the M. P. T. O. A. and distributors' commitee remaining to be agreed on are believed to be the effective date of the final trade practice program and personnel of the conciliation boards. M. P. T. O. A. leaders are insistent that the program be placed in effect as soon as it is completed. Distributors, in some instances, are said to favor a delay until the new buying season next summer. The exhibitor organization also favors local designation of the personnel of conciliation boards, whereas some sentiment exists in other quarters for determination of the personnel by the negotiating committees.

Final conferences will be held with representatives of Allied and the regional exhibitor organizations which are not affiliated with either Allied or M. P. T. O. A. before the distributors' committee goes into its solo huddle to evolve the unified program. In any event, all indications point to completion of the self-regulation plan before the end of the month. Meeting with the unaffiliateds may be held late this week, and with Allied next week.

Roxy Theatre Pays 37½c

Roxy Theatre, Inc., board of directors yesterday declared a quarterly dividend of 37½ cents on the outstanding preferred stock, payable Dec. 1 to stockholders of record Nov. 17.

To Honor Sydney Samson

Buffalo, Nov. 7.—Upstate exhibitors will give a testimonial dinner here Dec. 5 to Sydney Samson, 20th Century-Fox branch manager.

Hollywood Preview

"Blondie"

(Columbia)

Hollywood, Nov. 7.—Auspiciously inaugurating Columbia's entry into the field of "family series" production, "Blondie" is high class family entertainment. Based on the widely distributed Chic Young cartoon strip which details the domestic and business adventures of "Blondie," "Dagwood" and "Baby Dumpling," the film is a sprightly concoction of wholesome human humor. It has been cleverly written for the screen by Richard Flournoy so that there is a fine balance of amusing characterizations, situations and dialogue. Frank R. Strayer's direction has endowed the story with appealing interest.

It features Penny Singleton, Arthur Lake and tiny Larry Sims who seem to have stepped out of the Young drawings. The natural comic content is further amplified by the performances of Gene Lockhart, Ann Doran, Jonathan Hale and the puppy dog Daisy.

The theme has Lake (Dagwood) in trouble at home and at his office. His embarrassing difficulties are threatening to Miss Singleton (Blondie) and the future welfare of Sims (Baby Dumpling). Miss Singleton's great worry is that Lake is doing a bit of philandering with a mysterious "Elsie." Lake's worry is that he will lose his job. But when Lockhart, a business tycoon, who has been a tough nut for boss Hale's other salesmen to crack, discover that he and Lake have a mutual talent for tinkering, the stage is set not only for Lake to land a big contract, but to straighten out his domestic and financial problems.

Produced by Robert Sparks as an item in all-family entertainment program schedules, it is likely that if full advantage is taken of all exploitation possibilities and support given the word of mouth advertising that is almost certain to attach itself to the show, "Blondie" will assume the proportions of a popular surprise attraction.

Running time, 70 minutes. "G."* G. McC.

"G" denotes general audience classification.

Ontario Is Facing New Admission Tax

(Continued from page 1)

might be derived from a tax of one cent on every theatre ticket sold in Toronto. This was a suggestion from a new quarter in the agitation for the restoration of an amusement levy, following the action of Premier M. F. Hepburn in June, 1937, in abolishing the 10 per cent ticket tax.

In recent weeks various municipalities and the Ontario Mayors' Association have pressed for legislation which would enable them to derive additional revenue for unemployment relief. If the University of Toronto succeeds in its move, a dozen or more cities in Ontario would probably be faced with a demand for revenue through a locally collected ticket tax.

Feist Estate Sues M-G-M

Bessie Feist, Abraham S. Gilbert and the Fifth Avenue Bank of N. Y., as executors of the estate of Leo Feist and Edgar F. Bitner, yesterday filed suit in N. Y. Supreme Court against M-G-M for $88,500. The plaintiffs charge breach of a contract for sale of stock. Attorneys for M-G-M requested an extension of time to answer.

Loew's Buys U.A. Films

In accordance with custom United Artists closed a product deal yesterday for the entire Loew circuit. The deal is for two years and covers the full United Artists lineup. C. C. Moskowitz, Joe Vogel and Jean Picker represented the circuit and Harry L. Gold the distributor.

Television Patents Taken Over by RCA

Patent rights on television synchronization methods and apparatus invented by Harry R. Lubcke, director of television for the Don Lee Broadcasting System, have been sold to RCA. Under the terms of the deal, however, the Don Lee system reserves the right to make, use and sell television equipment embodying the principles of the Lubcke patents.

Lafferty WBRY Manager

New Haven, Nov. 7.—Perry Lafferty, former music director for WBRY, has been made manager of the studios. Activities of the New Haven branch of this Waterbury station will be renewed immediately after election.

WELI has purchased a site in Hamden for its new transmitter prior to receiving final approval for full time.

Belcher on New Series

San Francisco, Nov. 7.—Jerry Belcher will inaugurate "Interesting Neighbors," a new coast-to-coast sustainer, from here Thursday. Belcher's program will originate in the home of a family of Russian emigres.

Next week Belcher will broadcast from Portland, returning here for the two following programs, after which the series will go to Hollywood.

Rogers B & B Manager

James G. Rogers was elected general manager of the Benton & Bowles agency yesterday at a meeting of the board of directors. Theodore Bates and Walter O'Meara were elected to the board in another action.

Campbell Taking "Mercury" Show; "Hotel" Scrapped

"Hollywood Hotel," pioneer film program will fade from the air next month and will be replaced by "Mercury Theatre of the Air" for Campbell Soup Co. The switch will be effective Dec. 9, over CBS, from 9 to [illegible] P. M.

The deal for the Ford Motor Co. to take over the Mercury radio play hour fell through over the weekend, and the Campbell interests immediately took the program. The deal was closed Sunday, shortly before the "Mercury Theatre" went on for its last broadcast.

Scrapping of "Hollywood Hotel" ends one of the first major film programs to be presented in radio. Campbell pioneered in presenting film personalities on the air, and for many seasons the show was successful, under a setup which had Louella Parsons, Hearst syndicated film writer, delivering major stars of the various studios to the sponsor without cost, save for her salary. The arrangement collapsed last season when the Screen Actors' Guild ruled that its members no longer would be permitted to work in radio without remuneration, and Miss Parsons thereupon left the program.

Renew "Good News" Show for 13 Weeks

M-G-M's "Good News of 1939," radio program co-sponsored by the film company and General Foods Corp., has been renewed for another 13 weeks, effective at the close of the year.

The renewal ends reports that the show would fade from the air at the close of the present contract term, Dec. 29. Following the return of "Good News" to the air this summer to finish out the contract run, reports that the show would be supplanted received wide credence. Since its return, however, it has maintained itself high in the official program ratings. Benton & Bowles handles the program.

Sees Television Films

Hollywood, Nov. 7. — Entrance within the near future of television into the entertainment field was forecast yesterday by Stanton Griffis, chairman of Paramount's executive committee. Dumont Laboratories, associated with Paramount in the television field, has been licensed by the F.C.C. for experimental telecasts and will operate a transmitter at Montclair, N. J., in January, Griffis said.

Griffis predicted that television will have its primary field in reporting current events and stated that present experiments indicated that broadcasts over a wide area would be prohibitively expensive and that the most economical transmission of pictures would be by means of film.

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 44. NO. 92 NEW YORK, WEDNESDAY, NOVEMBER 9, 1938 TEN CENTS

U.A. Revising Its Plan for Profit Split

Meeting Postponed; No Election to Be Held

Annual meeting of United Artists stockholders, originally scheduled for today, has been postponed to Nov. 29.

Indications are that a new formula for participation of the partner-owners in company dividends, which is now in work, will be completed in time for submission to the annual meeting. Understood the plan will overcome objections advanced by Mary Pickford and Charles Chaplin to the earlier formula which limited participations of non-producing owners to $50,000 annually.

Pending completion of the formula, details are not available, but it is understood that Miss Pickford already has indicated her approval and Chaplin's may be forthcoming in a week or two.

There will be no election of officers

(*Continued on page 7*)

Warners to Start Product Talks Now

Warner home office executives will jump the gun by starting conferences on next season's production and sales policies this week. Hal B. Wallis, associate executive in charge of production, arrived from the studio yesterday for these conferences.

Wallis indicated the discussions would determine whether the company's production budget for next season would be increased and would cover the business effects of developments in foreign markets. The latter may have a bearing on next season's production policy. Wallis will be here about 10 days and will look over current Broadway plays during his stay. Casey Robinson, Warner contract writer, accompanied him east.

US Series to France To Start in January

Under an agreement between Des Postes Telegraphes et Telephones, official French broadcasting system, and NBC, a series of recorded programs will be made for broadcasting in France to give listeners in that

(*Continued on page 15*)

Additional developments in radio yesterday on page 15.

Can't See 15% Cut

San Francisco, Nov. 8. — Boycott of the 1939 Golden Gate International Exposition by the Screen Actors' Guild is discounted by Harris Connick, managing director of the fair. Connick declared an agreement will be reached soon regarding booking of screen players for appearances during the exposition.

Connick declared the fair would be glad to have the stars at the "right price," but that S.A.G. wants 15 per cent of the gate, which he termed "too much."

With 43 in Work Production Hits High Since July

Hollywood, Nov. 8.—Forty-three pictures were before the cameras this week, a high mark since July, as 11 started and 10 finished. Eighteen are being prepared, and 68 are in the cutting rooms.

Started were: "California Cavalcade," Darmour-Columbia; "Lady Buckaroo," Coronado-Grand National; "Hotel Imperial," "Bulldog Drummond's Secret Police," Paramount; "Beauty for the Asking," RKO; "Federal Man Hunt," "Red River Range," Republic; "Charlie Chan in Honolulu," "Wife, Husband and Friend," 20th Century-Fox; "Swing, Sister, Swing," "Lady Luck," Universal; "Stage Coach," Wanger.

In addition, shooting were: "There's That Woman Again," Columbia; "Ice Follies," "Stand Up and Fight," "A Christmas Carol," "The Wizard of Oz," "Katherine the Last," "Idiot's Delight," "New York Cinderella," "Honolulu," M-G-M; "Cafe Society," "Union Pacific," "Never Say Die," "Persons in Hiding," "Desert Bracelets," "Parents on Probation," Paramount; "Fishermen's Wharf," Princi-

(*Continued on page 2*)

Council of CEA to Talk Duals Problem

London, Nov. 8.—General council of the Cinematograph Exhibitors' Association tomorrow will discuss again the problem of double billing important pictures, and plans to consider the proposal that features be graded as a solution.

The council also will take up the offer of the Kinematograph Renters' Society for a joint discussion of the practice of showing films in bars, opposed by the C.E.A. as unfair competition.

Reopenings in Metropolitan District Jump

Theatre reopenings have taken a spurt in the metropolitan area. Eight houses were relighted within the last week.

These are: Warburton, Yonkers, which formerly housed WPA plays, now being operated by Consolidated Exhibitors, Inc.; St. Mark's, 133 Second Ave., renamed the Polish by Warsaw Amusement Corp., new operator; Newkirk, 1604 Newkirk Ave., Brooklyn, taken over by the Cinema Amusement Corp., Murray Ginsberg, president; Europe, formerly the Tobis, 1499 First Ave., operated by Renster, Inc., on a foreign film policy; Eagle, 431 Central Ave., Brooklyn, reopened by new owner, Reid Amusement Corp., H. H. Danowitz, principal; Williston, Mineola, formerly a Cocalis house, reopened by Pinnacle Amusements Corp., Herman Pekelner, president, and the Empire, Rahway, reopened by Cocalis.

The American and Cameo, Newark, have been taken over by Howard Eskin, who is interested in theatres in Connecticut and Massachusetts. He

(*Continued on page 7*)

Rain Nor Election Slows B'way Gross

Despite intermittent rain which started early in the afternoon, holiday crowds thronged Broadway and filled first run houses to capacity. School children and their parents made the early shows and helped swell matinee grosses.

Chief recipient of the early trade was "That Certain Age," which filled the Roxy at 10:30 A.M. An hour later seats were available only after a 90-minute wait. "Brother Rat" at the Strand also filled the house early and a 30-minute wait for seats began before noon and continued throughout most of the day.

All houses, except the Music Hall and the Astor, featured election returns. Announcements, however, were kept to a minimum to prevent interference with the show. A special preview of "Artists and Models Abroad"

(*Continued on page 7*)

AVIATION CYCLE SWEEPS STUDIOS

Some Preceded Corrigan, Hughes; Others Have Followed in Wake

Hollywood, Nov. 8.—An aviation cycle is moving around Hollywood released or in work. Although several films were started before the startling "wrong-way" flight of Douglas Corrigan, and the globe-girdling jaunt of Howard Hughes, those flights probably provided some impetus to the development of the cycle.

Leader in this panorama of air films is Paramount's "Men with Wings," a camera cavalcade of American aviation from the birth of flying with the Wright Brothers at Kitty Hawk.

RKO's feature starring Corrigan, originally known as "Born to Fly" and now tentatively titled "The Flying Irishman," has been started with Robert Armstrong and Paul Kelly in support. Two other air films are planned by RKO, "Men Against the Sky" and "Five Who Came Back." The second will deal with the plight of eight men whose plane crashes in a jungle. Both will be produced by Robert Sisk.

Warners have four air films—all

(*Continued on page 7*)

Four in U.A. Seek To Get Out of Suit

Petitions have been filed with the Department of Justice in Washington for dismissal of Dr. A. H. Giannini, Mary Pickford, Douglas Fairbanks and Charles Chaplin as defendants in the Government anti-trust suit against the industry.

The petitions, on which court action is not necessary, request that the four be eliminated from the action on the grounds that they were either inactive in United Artists at the time the alleged offenses occurred or, as in the

(*Continued on page 7*)

Armistice Scales Up

Most home offices plan to close at 1 P. M. Friday for a half holiday, Armistice Day.

First run houses on Broadway will use the holiday admission scale. No extra shows are planned except at the Roxy where one complete show will be added.

Purely Personal

S. S. HOREN, managing director for 20th Century-Fox at Buenos Aires, has prepared a reception for Tyrone Power when he gets there on his current trip.

•

Charles E. McCarthy, 20th Century-Fox advertising and publicity head, leaves on his vacation tomorrow and will spend it cruising the Caribbean.

•

Herman Wobber, 20th Century-Fox distribution chief, is scheduled to leave the coast tomorrow for New York.

•

Scott R. Dunlap, Monogram production head, left for the coast yesterday after home office conferences.

•

Will H. Hays returns to New York today from his Sullivan, Ind., home.

•

Ed Kuykendall, M. P. T. O. A. president, arrived in New York yesterday from Columbus, Miss., his home.

•

Marion Nixon arrived in New York from Hollywood yesterday by train.

•

William Seiter is in New York from Hollywood for a brief vacation.

British Film Heads Honor J. C. Graham

London, Nov. 8.—British film men today gave a luncheon to J. C. Graham, until recently managing director for Paramount, in the usual manner. Renters and exhibitors were represented. D. E. Griffith, president of K.R.S., described Graham as the originator of the quality clause in the new film legislation. Because of this the K.R.S. has made him the first and only permanent member of its council.

John Maxwell, Richard Norton and others spoke. Sam Eckman presented a silver salver in behalf of the K.R.S. and C.E.A.

THE MERCURY

GIANT
SKYSLEEPERS

OVERNIGHT TO LOS ANGELES

Fly the Southern SUNSHINE route overnight to Los Angeles. Through service. No change of planes. Giant SKYSLEEPERS. Complimentary meals served by stewardesses.

Mercury
Lv. 5:10 p. m.
(only 3 stops)

Southerner
Lv. 9:00 p. m.
(only 5 stops)

FOR RESERVATIONS: Call Your Travel Agent or VANderbilt 3-2580. Ticket Offices: 45 Vanderbilt Ave., and Rockefeller Center, 18 W. 49th St.

AMERICAN AIRLINES Inc.

Insiders' Outlook

WHETHER or not the current television ballyhoo is largely promotional remains to be determined. It is a matter of wonderment whether there is not too much television talk, privately and publicly, on the air and in the press. Certainly, much of the present prominence being given to this embryonic industry is subject to examination.

Close inspection is desirable before the many prophecies which are being made are accepted and acted upon. Filmdom primarily must make good pictures which will pay off at the box-office. But the amusement world may be on the verge of a new era comparable to the period of the advent of sound.

▼

And so it behooves the film industry to scan carefully the prospects of television and to follow its development by keen and penetrating study, if the industry is to be ready to meet the possible effects of the new field, when that shall have become an assured commercial and amusement enterprise for the theatre or for the home.

There have been two sides to television until now—scientific and commercial. The third angle is coming up rapidly. It is the financing side, whether native or foreign. That's the risky end.

Science knows a lot about television, but is still experimenting. The commercial possibilities of television are not well known.

As in the sound era, there is an unnatural growth of new firms springing up in television. It is certain that some of these will be found lacking in proper background and experience to fulfill their promises, their prospective plans or their hopes.

The overlords in the embryo television are those who are leaders in the fields of radio and communications. These are A. T. & T., the two leading networks, CBS and NBC, additional to RCA, parent company of NBC and leader in the field of wireless communication.

▼

RCA may be looking forward to the possible development of a television chain of transmitters which might be operated in a manner similar to the present operation of its NBC radio chain. A. T. & T. has developed the coaxial cable, or wired television, and of course is interested in promoting the use of this cable for television.

Distance appears still to be an obstacle in television's path. The expense of transmitting television is another bogey. Additionally, the patent situation in television probably requires clarification. It may be an open field and then, patent-wise, it may be a closed field. And nobody mentions the foreign side.

S. S.

Legion Approves 10 of 11 New Pictures

National Legion of Decency has approved 10 of 11 new pictures for the current week, four for general patronage and six for adults, and has classified one as objectionable in part. The new films and their classification follow.

Class A-1, Unobjectionable for General Patronage—"Hard to Get," "Just Around the Corner," "Prairie Justice," "The Young in Heart." Class A-2, Unobjectionable for Adults—"The Great Waltz," "Irish and Proud of It," "I Stand Accused," "Tarnished Angel," "Thanks for the Memory," "Under the Big Top." Class B, Objectionable in Part—"This'll Make You Whistle."

Fabian Adds in Pt. Jervis

With the acquisition of the Royal, Port Jervis, the Fabian circuit has taken over the three theatres in the town. The others are the Ritz and the Strand, which were acquired earlier.

Re-Signs William Powell

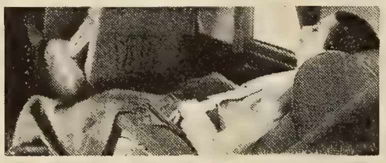
Hollywood, Nov. 8.—William Powell has signed a new term contract with M-G-M and will start work in a new "Thin Man" picture soon. He has been absent from the screen for some time because of illness.

World Sets Releases

World Pictures Corp. has completed its release schedule of foreign films for the season. The next release will be "Marseillaise," to be followed by "Hatred," "Witch Night," "Street Without a Name," "Unsolved Crime," "Ninety Degrees South," "Annie Laurie," "Valse Brillante," "The Children's Corner," "Andante and Rondo," "Ave Maria" and "Malaguena."

★ Fly United's DeLuxe ★

MAINLINERS TO CHICAGO!



8 fast flights daily—
all over shortest route!

★ To CHICAGO — 4 hrs., 55 min.!

Mainliners are tops in luxury and comfort! Only United flies the famous deluxe Skylounge Mainliners on non-stop flights—leave 12:15 p.m. or 5:20 p.m. Low round-trip rates! Reservations: 58 E. 42nd St., MU. 2-7300. Or travel bureaus, hotels.

UNITED AIR LINES
★ The Main Line Airway ★

With 43 in Work Production Hits High Since July

(Continued from page 1)

pal-RKO; "The Pure in Mind," "Love Affair," "The Great Man Votes," "Pacific Liner," "The Castles," RKO; "Tail Spin," "The Little Princess," "The Three Musketeers," 20th Century-Fox; "Little Tough Guys in Society," "Pirates of the Skies," Universal; "Dark Victory," "Oklahoma Kid," "Yes, My Darling Daughter," "Always Leave Them Laughing," "Adventures of Jane Arden," "Nancy Drew, Reporter," Warners.

Finished were: "Wreckage," Darmour-Columbia; "The Long Shot," Fine Arts; "The Last Barrier," Coronado; "Little Tenderfoot," "I Am a Criminal," Monogram; "Orphans of the Streets," Republic; "Thanks for Everything," 20th Century-Fox; "Scouts to the Rescue," "The Dead Don't Care," "The Singing Sheriff," Universal.

Three short subjects are shooting: one each at Columbia, M-G-M and Warners. Nine are being edited.

Shift Evergreen Manager

Spokane, Nov. 8.—Evergreen personnel changes here include: Al Baker, from manager of the Fox to city manager at Bellingham, Wash.; Oscar Nyberg, from manager of the State to the Fox; Ernie Rose, Liberty to State management, and Willard Seale, from assistant at the Orpheum to manager of the Liberty.

Shafer Joins G. N.

Cincinnati, Nov. 8.—Nick Shafer, 20th Century-Fox salesman, now is manager of Grand National, succeeding Ralph Kinsler, who has been promoted to division manager.

Reel House Opens Dec. 2

Latest house of Newsreel Theatres, Inc., is set to open Dec. 2 in the Associated Press Bldg., Rockefeller Center, in the same block as the Music Hall.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: Motion Picture Herald, Better Theatres, Teatro al Dia, International Motion Picture Almanac and Fame.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

UPSWING HITS WASHINGTON; AND IT'S JUST AROUND THE CORNER FOR YOU!

© Copyrighted, Fairchild Aerial Surveys, Inc., N.Y.

WASHINGTON, D.C., Nov. 8 (TCF)—Shirley Temple's picture, "Just Around the Corner," playing the Capitol Theatre here, is showing surprising daily pick-up after smash opening and invigorating downtown trade generally. The unusually large number of enthusiastic adults in the audience is attributed to the timeliness of the story.

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

REVIEWS—*from Washington*

"Highest sum total of entertainment Shirley has rated in months!" —*Wash. Times*

"Shirley Temple takes over the Capitol! Full of charm and sparkle!" —*Wash. Daily News*

"Shirley's best in many moons!" —*Wash. Herald*

"The most substantial entertainment Shirley has had to date!" —*Wash. Post*

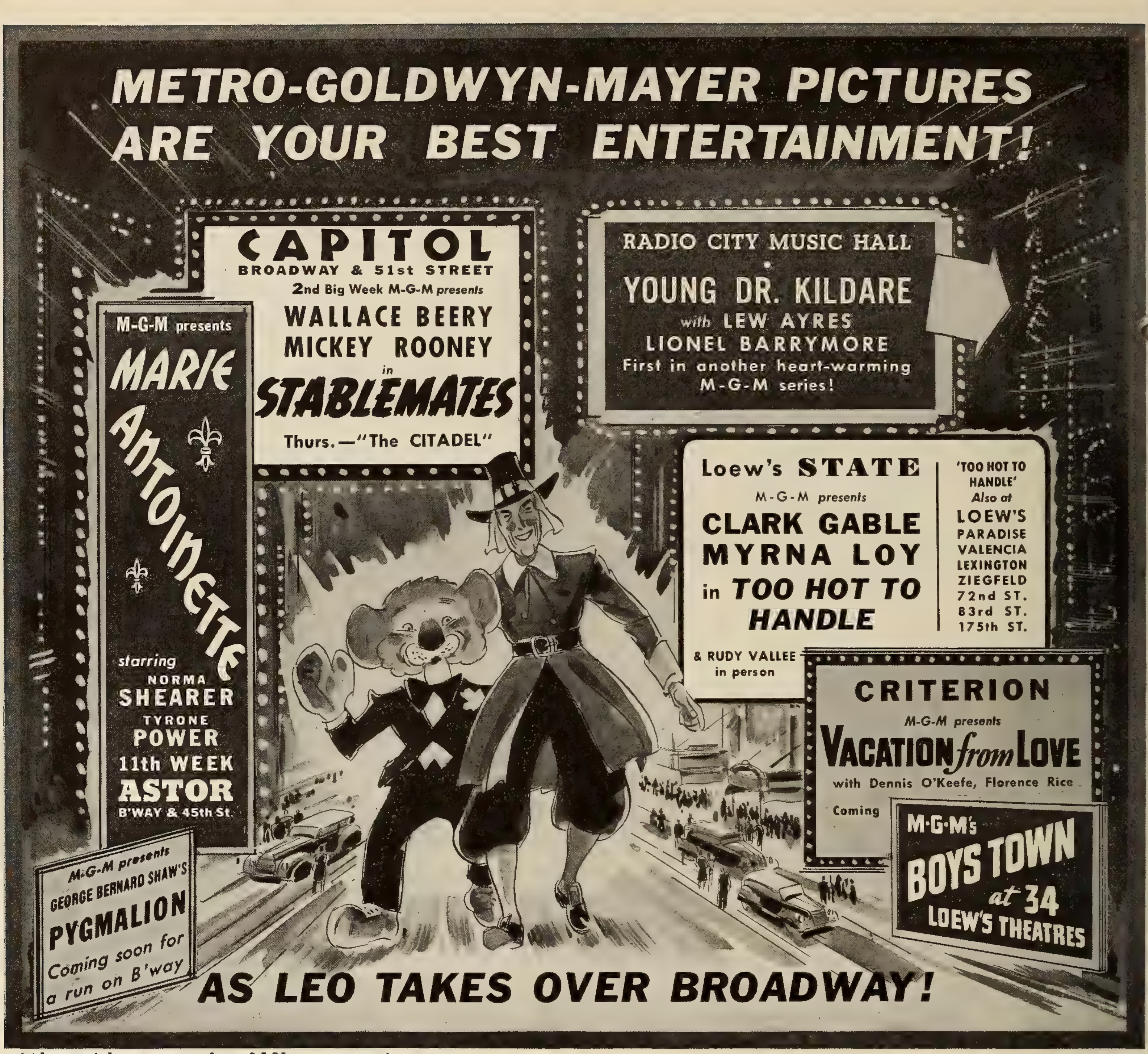
—*and Elsewhere*

"Timely... Sure-fire entertainment!" —*L. A. Examiner*

"Shirley will inject another hypo into boxoffices with this!" —*Boxoffice*

"One of the best comedy vehicles yet handed Shirley Temple!" —*Daily Variety*

"As near to perfect boxoffice as any showman can expect to lay eyes upon!" —*M. P. Herald*



METRO-GOLDWYN-MAYER PICTURES ARE YOUR BEST ENTERTAINMENT!

CAPITOL
BROADWAY & 51st STREET
2nd Big Week M-G-M presents
WALLACE BEERY
MICKEY ROONEY
in
STABLEMATES
Thurs.—"The CITADEL"

RADIO CITY MUSIC HALL
YOUNG DR. KILDARE
with LEW AYRES
LIONEL BARRYMORE
First in another heart-warming M-G-M series!

M-G-M presents
MARIE ANTOINETTE
starring
NORMA SHEARER
TYRONE POWER
11th WEEK
ASTOR
B'WAY & 45th St.

Loew's STATE
M-G-M presents
CLARK GABLE
MYRNA LOY
in TOO HOT TO HANDLE
& RUDY VALLEE in person

'TOO HOT TO HANDLE'
Also at
LOEW'S
PARADISE
VALENCIA
LEXINGTON
ZIEGFELD
72nd ST.
83rd ST.
175th ST.

CRITERION
M-G-M presents
VACATION from LOVE
with Dennis O'Keefe, Florence Rice
Coming

M-G-M's
BOYS TOWN
at 34
LOEW'S THEATRES

M-G-M presents
GEORGE BERNARD SHAW'S
PYGMALION
Coming soon for a run on B'way

AS LEO TAKES OVER BROADWAY!

(Above: Advertisement from N.Y. newspapers)

M-G-M SWEEPING AMERICA!

"**IT'S** fun to be on a winner!"

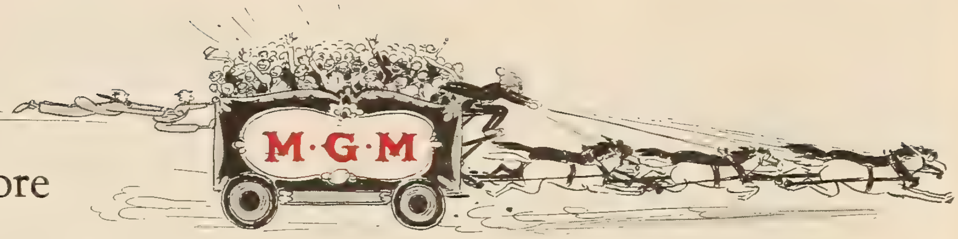
THAT'S what thousands of M-G-M showmen are gleefully shouting!

A FEW late-comers are losing no more time. They're

(continued above)

continued)

climbing on the band-wagon because this M-G-M Parade of Hits is something never before witnessed in film history!



M-G-M set its ambitious *and expensive* production plans months ago.

AND now, week after week, your play-date is an "A"-date.

WHEN you examine that piece from ☛ Hollywood Reporter, remember that all those BIG pictures are coming to you WHILE AMERICA IS EXPERIENCING GROWING BOOM TIMES WITH A MONEY-SPENDING PUBLIC HUNGRY FOR ENTERTAINMENT!

(As we leap to press: Just previewed another honey of a hit, "SPRING MADNESS"*. It's the "Flaming Youth" of 1938. Sure-fire box-office!)*

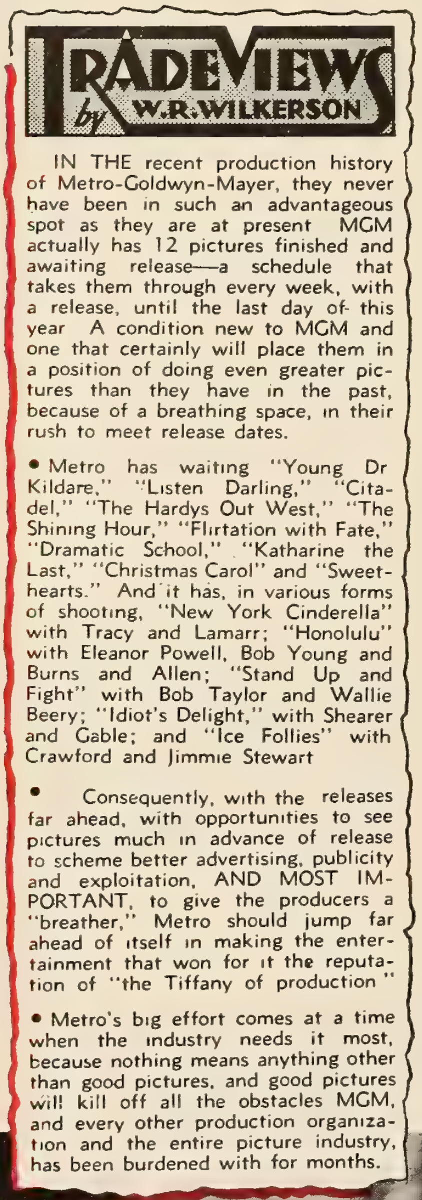
KEEP stepping with Leo, gents!

HE has earned your enthusiastic co-operation in getting the maximum results with his great entertainments: proper booking, high-powered showmanship, extra playing time.

AND "The Friendly Company" thanks you for your co-operation!

M-G-M "A"NDSLIDE!

READ THIS!
(from Hollywood Reporter)



TRADEVIEWS by W.R.WILKERSON

IN THE recent production history of Metro-Goldwyn-Mayer, they never have been in such an advantageous spot as they are at present MGM actually has 12 pictures finished and awaiting release—a schedule that takes them through every week, with a release, until the last day of this year A condition new to MGM and one that certainly will place them in a position of doing even greater pictures than they have in the past, because of a breathing space, in their rush to meet release dates.

• Metro has waiting "Young Dr Kildare," "Listen Darling," "Citadel," "The Hardys Out West," "The Shining Hour," "Flirtation with Fate," "Dramatic School," "Katharine the Last," "Christmas Carol" and "Sweethearts." And it has, in various forms of shooting, "New York Cinderella" with Tracy and Lamarr; "Honolulu" with Eleanor Powell, Bob Young and Burns and Allen; "Stand Up and Fight" with Bob Taylor and Wallie Beery; "Idiot's Delight," with Shearer and Gable; and "Ice Follies" with Crawford and Jimmie Stewart

• Consequently, with the releases far ahead, with opportunities to see pictures much in advance of release to scheme better advertising, publicity and exploitation, AND MOST IMPORTANT, to give the producers a "breather," Metro should jump far ahead of itself in making the entertainment that won for it the reputation of "the Tiffany of production"

• Metro's big effort comes at a time when the industry needs it most, because nothing means anything other than good pictures, and good pictures will kill off all the obstacles MGM, and every other production organization and the entire picture industry, has been burdened with for months.

"Brother Rat" In Fast Start On the Coast

Los Angeles, Nov. 8.—"Brother Rat," on a bill with "Broadway Musketeers," started off with a bang at Warners' Downtown and Hollywood. At the former it rolled up $17,800 and at the latter the take was $17,200.

"Suez" turned in an outstanding $14,704 at the Chinese and an equally strong $17,294 at Loew's State.

Estimated takings for the week ending Nov. 2:

"Suez" (20th-Fox)
CHINESE—(2,500) (30c-75c) 7 days. Gross: $14,704. (Average, $12,500)
"Drums" (U. A.)
4 STAR—(900) (40c-55c) 7 days, 4th week. Gross: $3,669. (Average, $3,250)
"You Can't Take It With You" (Col.)
HILLSTREET—(2,700) (30c-65c) 5 days, 5th week. Gross: $9,000. (Average, $6,500)
"Suez" (20th-Fox)
LOEW'S STATE—(2,500) (30c-75c) 7 days. Gross: $17,294. (Average, $14,000)
"You Can't Take It With You" (Col.)
PANTAGES—(3,000) (30c-65c) 7 days, 5th week. Gross: $8,200. (Average, $7,000)
"The Arkansas Traveler" (Para.)
PARAMOUNT—(3,595) (30c-65c) 5 days, 2nd week. Stage: F. & M. revue, Rube Wolf and his orchestra. Gross: $9,000. (Average, $18,000)
"Brother Rat" (F. N.)
"Broadway Musketeers" (F. N.)
WARNER BROS. (HOLLYWOOD)—(3,000) (30c-65c) 7 days. Gross: $17,200. (Average, $14,000)
"Brother Rat" (F. N.)
"Broadway Musketeers" (F. N.)
WARNER BROS. (DOWNTOWN)—(3,400) (30c-65c) 7 days. Gross: $17,800. (Average, $12,000)

Out Hollywood Way

Hollywood, Nov. 8.—Ellen Drew, who took Mary Carlisle's place in "If I Were King," when the latter was stricken with appendicitis, is herself confined to the Queen of Angels Hospital, following an emergency appendix operation . . . Warners has almost 70 writers working on scripts, a two-year record . . . Claude Rains will be co-starred with Boris Karloff in "The Return of Dr. X," at Warners.

Republic has placed Bob Livingston and June Travis in the leads of "Federal Man Hunt," to be directed by Nick Grinde . . . Sen Yew Chung, 23-year-old San Francisco born Chinese, has been signed for the role of "Lee Chan" in 20th Century-Fox's resumption of the "Charlie Chan" pictures . . . Frances Brice, young daughter of Fannie Brice, is acting as her mother's standin in "New York Cinderella" at M-G-M . . . Frank MacFadden, Universal exploitation man, has gone to Chicago and Detroit to arrange for tieups . . . "Slicker," the seal which carried comedy honors in Paramount's "Spawn of the North," has been signed for Principal-RKO's "Fisherman's Wharf."

✠

Casting—Virginia Weidler in "A Christmas Carol," M-G-M . . . Charles Middleton in "Juarez," Warners . . . Reginald Owen in "Hotel Imperial," Paramount . . . Mary Astor in "Midnight," Paramount . . . Larry Williams, the "stooge" in "Brother Rat," assigned to "Nancy Drew, Reporter," Warners . . . Laraine Johnson draws the feminine lead in George O'Brien's "Arizona Legion," RKO . . . Yvonne Duval in "Union Pacific," DeMille-Paramount.

Mary Kornman draws her first lead in Monogram's "I Am a Criminal," opposite John Carroll. Craig Reynolds also has been signed . . . Josephine Hutchinson in Universal's "Son of Frankenstein" . . . Claire James in "New York Cinderella," M-G-M . . . Lionel Stander in "Ice Follies," M-G-M . . . Regis Toomey in "Plane 66," and Edward Brophy in "Lady Luck," Universal . . . Ben Weldon and Jerry Tucker in "Federal Man Hunt," Republic.

✠

Title Changes—Universal has changed the title of "West Side Miracle" to "Secrets of a Nurse," and "The Dead Don't Care" to "The Last Warning."

✠

Writers—Ben Markson is working on the screenplay of "Pride of the Navy," and Charles Powell on the script of the next Gene Autry picture at Republic.

"Stablemates" Dual $10,000, Milwaukee

Milwaukee, Nov. 8. — "Stablemates" and "Blockheads" topped the week's grosses with $10,000 at Fox's Wisconsin.

Others clearing par were "The Sisters" and "Annabel Takes a Tour" at the Warner, good for $6,500; "Men With Wings," which collected $6,000 at Fox's Palace and "Flight to Fame" and Red Skelton on the stage which grossed $6,300 at the Riverside.

Estimated takings for the week ending Nov. 2-3:

"Frankenstein" (Univ.)
"Dracula" (Univ.)
ALHAMBRA — (2,660) (30c-40c) 7 days. Gross: $5,000.
"The Sisters" (W. B.)
"Annabel Takes a Tour" (RKO)
WARNER — (2,400) (35c-50c) 7 days. Gross: $6,500. (Average, $5,000)
"Men With Wings" (Para.)
PALACE—(2,400) (35c-50c) 7 days. Gross: $6,000. (Average, $5,000)
"Flight to Fame" (Col.)
RIVERSIDE — (2,300) (25c-30c) 7 days. Stage: Red Skelton. Gross: $6,300. (Average, $5,000)
"The Walking Dead" (W. B.)
"White Zombie" (U. A.)
STRAND — (1,400) (35c-50c) 7 days, 2nd week. Gross: $4,000. (Average, $4,500)
"Stablemates" (M-G-M)
"Blockheads" (M-G-M)
WISCONSIN — (3,200) (35c-50c) 7 days. Gross: $10,000. (Average, $8,000)

Form Four Film Firms

Albany, Nov. 8.—New film companies chartered here are: State Productions, Inc., by Alexander Cheifetz, Harry Minsky and Edward T. Roehner; Moselle Amusement Co., Inc., by Florence Greenberg, Leslie Moskowitz and Abraham Wachs; Ebony Productions, Inc., by Herman I. Meltzer, Ann Kira and Ruth Hirsch; Spot Film Productions, Inc., by George D. Spear, William James and Sherman F[illegible]ice.

"Place, Show" Hit at Denver With $13,000

Denver, Nov. 8.—"Straight, Place and Show," with Gypsy Rose Lee heading a stage show, turned in o[illegible] of the biggest grosses of the year at the Denver, $13,000.

"Stablemates" and "Mr. Doodle Goes to Town" also were in the money. The combination pulled $6,000 in three days at the Orpheum, where normal for seven days is $7,500. "You Can't Take It With You" was strong with $4,500 at the Aladdin after having previously played a week at the Denver.

Estimated takings for the week ending Nov. 2:

"You Can't Take It With You" (Col.)
ALADDIN—(1,400) (25c-40c) 7 days, after a week at the Denver. Gross: $4,500. (Average, $3,500)
"Too Hot to Handle" (M-G-M)
"Blockheads" (M-G-M)
BROADWAY—(1,100) (25c-35c-40c) 7 days, after a week at the Orpheum and 4 days here. Gross: $3,000. (Average, $2,500)
"King of Alcatraz" (Para.)
DENHAM—(1,750) (25c-35c-40c) 7 days, and Ben Blue stage show. Gross: $7,000. (Average, $5,500)
"Straight, Place and Show" (20th-Fox)
DENVER—(2,525) (25c-35c-50c) 7 days, and Gypsy Lee stage show. Gross: $13,000. (Average, $8,500)
"Room Service" (RKO)
"A Man to Remember" (RKO)
ORPHEUM—(2,600) (25c-35c-40c) 4 days to finish a week. Gross: $3,200.
"Stablemates" (M-G-M)
"Mr. Doodle Kicks Off" (RKO)
ORPHEUM—(2,600) (25c-35c-40c) 3 days. Gross: $6,000. (Average for week, $7,509)
"Four's A Crowd" (W. B.)
"Girls On Probation" (F. N.)
PARAMOUNT—(2,200) (25c-40c) 7 days. Gross: $4,000. (Average, $3,500)
"Drums" (U. A.)
"Juvenile Court" (Col.)
RIALTO—(878) (25c-40c) 7 days, "Drums" after a week at the Paramount. Gross: $2,000. (Average, $1,750)

"Take It" $13,000 Leads in Montreal

Montreal, Nov. 8. — "You Can't Take It With You" was the box-office leader, with $13,000 at the Palace.

"Three Loves Has Nancy" and a second feature had above-par business at the Princess with a gross of $7,500. Second week of "Drums" grossed $7,500 at the Capitol. The weather continued mild.

Estimated takings for the week ending Nov. 5:

"Drums" (U.A.)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days, 2 weeks. Gross: $7,500. (Average, $9,500)
"Mysterious Mr. Moto" (20th-Fox)
LOEW'S — (2,800) (25c-40c-50c) 7 days. Stage: Eight vaudeville acts. Gross: $8,000. (Average, $8,000)
"Hold That Co-Ed" (20th-Fox)
"Gangs of New York" (Republic)
ORPHEUM — (919) (25c-35c-50c) 7 days. Gross: $3,500. (Average, $5,000)
"You Can't Take It With You" (Col.)
PALACE—(2,600) (25c-40c-55c-65c) 7 days. Gross: $13,000. (Average, $11,000)
"Three Loves Has Nancy" (M-G-M)
"Wives Under Suspicion" (Univ.)
PRINCESS — (2,272) (25c-35c-50c-65c) 7 days. Gross: $7,500. (Average, $7,000)

To Build in Virginia

Bluefield, W. Va., Nov. 8.—Two theatres are to be erected by the Star Amusement Co., one at Pearsburg, Va., and the other at Narrows, Va. Each will seat about 700.

HAVE BREAKFAST TOMORROW IN LOS ANGELES_FLY TWA!

Board TWA's Sky Chief at 5:30 tonight... You'll be on the West Coast before 8 A. M!

FARE ONLY $149.95

LOSE no business hours — no sleep — going clear to California! Latest departure, with early morning west coast arrival. Only 3 stops en route—1 after midnight—on the SKY CHIEF. Only TWA Skysleepers have separate club lounge and sleeping compartments.

To Chicago, TWA has the latest afternoon non-stop departure...fare $44.95. Excellent connections to Twin Cities, the Northwest, and Mexico.

TWA

PHONE MUrray Hill 6-1640
Transcontinental & Western Air, Inc.
70 East 42nd Street. Or call any hotel, travel bureau, or telegraph office.

Fly THE LINDBERGH LINE

New Cycle on Aviation Hits All Hollywood

(*Continued from page 1*)

finished. The remake of "The Dawn Patrol," starring Errol Flynn and featuring Basil Rathbone and David Niven, will be released Armistice Day. Set for Dec. 17 release is "Secret Service of the Air," first of a series of Secret Service stories featuring Ronald Reagan. "Wings of the Navy," featuring George Brent, Olivia de Havilland and John Payne, will be issued some time in January. Kay Francis' final picture for the studio, "Women in the Wind," featuring William Gargan and Maxie Rosenbloom, deals with an aviatrix's life.

Monogram will have a series of air pictures based on Hal Forrest's newspaper cartoon strip, "Tailspin Tommy." John Trent, former transport pilot turned actor, will have the title role. The first will be "Midnight Patrol" and will start shooting Nov. 15 with Paul Malvern producing. There will be four in the series.

Now in production at Universal is "Plane 66," with Kent Taylor and Rochelle Hudson. The story deals with "sky police."

Twentieth Century-Fox has a high budget production, "Tail Spin," in work now, with its top players Alice Faye, Nancy Kelly and Constance Bennett.

Howard Hawks to Make One

Howard Hawks, who directed "Ceiling Zero," one of the first pictures of commercial air travel, produced by Warners in 1935, has been signed by Columbia to produce and direct "Plane No. 4," now being written by William Rankin, Eleanore Griffin and Jules Furthman.

Republic joins the cycle with the signing of Roscoe Turner, veteran pilot, who established several flight records, for a featured role in "Flight at Midnight." John H. Auer will produce and direct.

Sol Lesser's Principal Pictures plans "Wings of Tomorrow," whose exploitation possibilities will be aimed at the Junior Birdmen and other organizations of model airplane enthusiasts. Starred will be Tommy Kelly.

Grand National will have two air pictures, one to be produced under supervision of Jack Skirball and the other to be produced by Fine Arts Pictures. The first, "Marine Flight," will deal with an inventor of a robot which automatically pilots airplanes. The other, "Never Mind the Guard," will be a story of an aviatrix-explorer.

Open N. O. Regent Friday

New Orleans, Nov. 8.—The Regent will use Armistice Day ballyhoo for its formal opening Nov. 11.

The theatre will open at 11:01 a.m. and the opening picture will be "Army Girl." The house is owned by Ira and M. A. Weingrum, operators of the Laurel.

Retitle "Cinderella"

Hollywood, Nov. 8.—"I Take This Woman" will be the final title of M-G-M's "A New York Cinderella," an original by Charles MacArthur starring Spencer Tracy.

Musical to Open

"Leave It to Me!" a musical version of "Clear All Wires," by Bella and Samuel Spewack, opens tonight at the Imperial. Vinton Freedley and Lee Shubert are the producers, with songs by Cole Porter. "Clear All Wires" ran for 93 performances in 1932. M-G-M made a picture of it in 1933.

The cast includes William Gaxton, Victor Moore, Sophie Tucker, Tamara, Mary Martin and others.

"Where Do We Go From Here?" scheduled to open tomorrow at the Vanderbilt, has been put off again, this time to Nov. 15.

U.A. Revising Its Plan for Profit Split

(*Continued from page 1*)

at the annual meeting. The posts of president and chairman of the board of United Artists will not be filled. Maurice Silverstone, chief executive of the company, in his present capacity, has the fullest executive and administrative authority usually vested in a company head. No additional title could increase or alter this authority. United Artists owners regard the present operating arrangement as thoroughly satisfactory.

A meeting of the United Artists board of directors is scheduled for next Monday. Douglas Fairbanks, originally scheduled to arrive this week, is expected at the end of next week. He will remain here for the annual stockholders' meeting. Miss Pickford may be the only other United Artists owner to attend the meeting. Others will be represented by proxies.

Select MacDonald Title

Hollywood, Nov. 8. — "Today Is Tomorrow" is the temporary title of M-G-M's Jeanette MacDonald starring picture.

Openings Through Metropolitan Area Showing Increase

(*Continued from page 1*)

formerly operated the Newark houses. The new operating company is Ancan, Inc.

The Capitol, Paterson, has been taken over by the Capitol Amusement Co., headed by Albert Spitz, formerly of the Harry Hecht circuit.

The New Broadway, Woodcliffe, N. J., has been reopened by Jack Linder and Max Suderow as a legitimate playhouse.

Present policy of the Strand, 404 South Orange Ave., Newark, is intermittent operation as a foreign film house.

The Folly, 1,750-seat house in Brooklyn, recently acquired by Aaron Binkov, is being refurnished for early reopening.

Rain Nor Election Slows B'way Gross

(*Continued from page 1*)

was included at the Paramount for the evening show together with "Men With Wings."

Receipts at the Roxy were estimated at $10,500 for the day, with Paramount's gross at $8,000. First four days of "Brother Rat" brought an estimated $29,000. "A Man to Remember" at the Rivoli is dragging down a slow gross. The first three days are estimated not to have gone above $2,000.

"Arkansas Traveler" will go to the Paramount next Wednesday when "Men With Wings" completes its third week. "Vacation from Love" and "Titans of the Deep" will follow "Girls' School" at the Criterion tomorrow.

Build in North Carolina

Concord, N. C., Nov. 8.—North Carolina Theatres, Inc., is building a theatre here, to seat more than 1,000. It will be ready next spring. The circuit also plans another in Charlotte, which is expected to cost between $50,000 and $75,000.

J. L. & S. Will Open Oriental Again Nov. 18

By BILL CROUCH

Chicago, Nov. 8.—Jones, Linick & Schaefer expect to reopen the Oriental Nov. 18. Closed for the past six months, the 3,500-seat Oriental will start out under the new management with a stage show and first run picture policy. Freddie Bartholomew will head the opening show. The film will be M-G-M's "Vacation From Love." Fritz Blocki is on publicity. Jack Hunt will be manager.

◆

Negotiations on the exhibitor-operator contract will be delayed for at least 10 days. John Smith, business manager for the union, is out of the city and the deal will be held up until his return.

◆

M-G-M is holding a trade preview of "Great Waltz" at the Esquire, Thursday morning.

◆

Leo Blank, Warner district manager, who has been on a leave of absence for some months, is back from California. After a series of treatments at Rochester, Minn., at the Mayo Clinic he expects to return to work.

◆

William Pereira is back from Hollywood where he arranged for a papier-mache replica of "Ferdinand the Bull," for the Architects' ball Dec. 2 at the Drake Hotel.

Four in U.A. Seek To Get Out of Suit

(*Continued from page 1*)

case of Dr. Giannini, no longer have an official connection with the company. The petitions were filed by O'Brien, Driscoll & Raftery, United Artists counsel.

Hearing before Federal Judge William Bondy on application of film companies for bills of particulars from the Department of Justice and on motions to strike out parts of the Government's complaint is scheduled for tomorrow in U. S. District court here.

Ohio Censors Bar 8 Reels

Cincinnati, Nov. 8.—Eight reels were rejected by the Ohio censors for the week ending Nov. 4, during which 134 reels were reviewed and six eliminations ordered. This is the first thumbs down in several months.

Faith Takes Conn. House

Terryville, Conn., Nov. 8.—Joseph W. Faith, who operates the Mayfair here, has leased the Stock House, Unionville, and will operate the theatre after remodeling. Faith is also negotiating for a site in Collinsville.

Open Washington Houses

Spokane, Nov. 8.—Two new theatres in this territory are the Columbian at Grand Coulee at the site of the dam project and the Dishman at Dishman, Wash., Spokane suburb.

Farmer Steffes Reports

Minneapolis, Nov. 8.—W. A. Steffes, president of Northwest Allied, points to his record as operator of a 24-acre farm near Aitken, Minn., where he also has his summer home on a lake. Steffes isn't broke yet. The record for one year follows:

1. Planted four bushels of potatoes. Crop, four bushels. Books balanced.

2. Last spring he had 70 chickens. Daily production 20 eggs. At present he has 300 chickens. Daily production 20 eggs.

3. Raised 19 pigs. Sold 15 for $96. Bought $150 feed to keep remaining four pigs over the winter.

4. Raised 60 turkeys until all ready for the Thanksgiving kill. Then they all got the blackhead and died.

5. Started spring with four geese. Now has four geese. No hits, no runs, no errors.

6. Bought three guinea hens expecting great increase. Nothing happened. Was recently informed that all the "hens" are males.

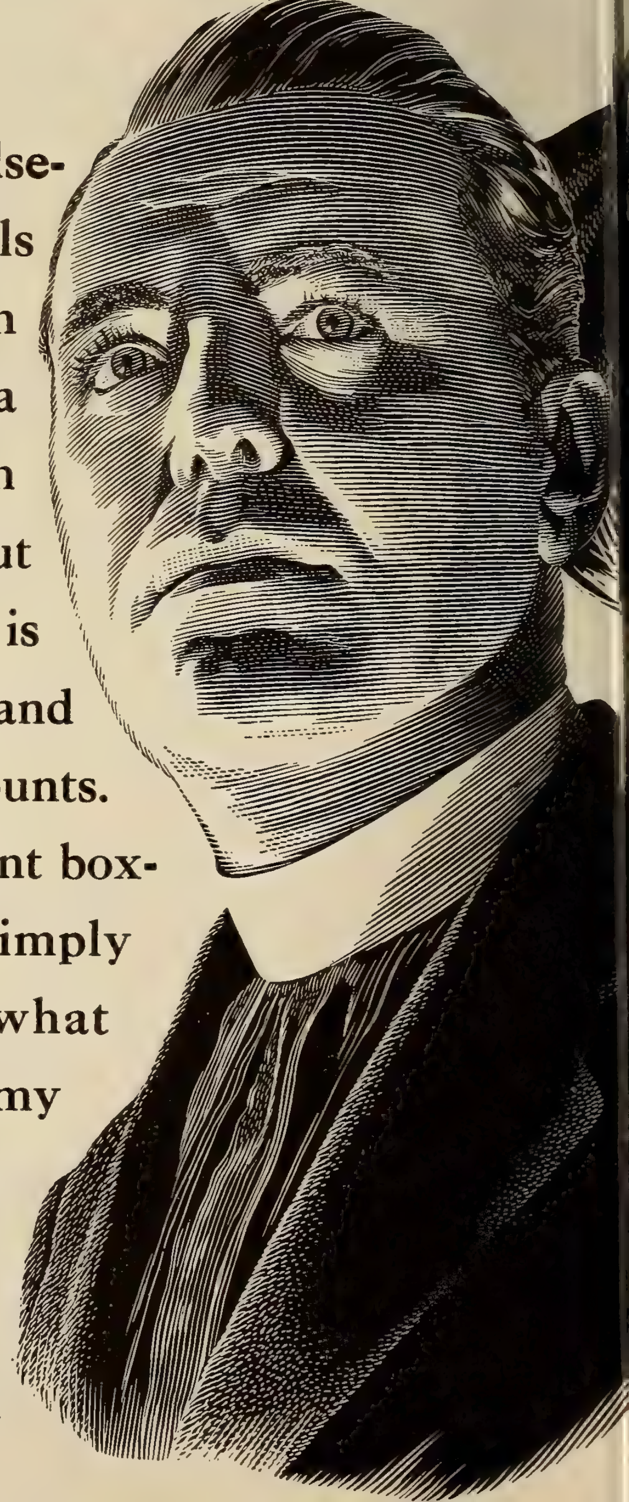
7. Started spring with six ducks. One wild mallard joined flock. Profit 16⅔ per cent. N. B. "Al" ate the mallard.

Steffes says he has sent for every publication of the Department of Agriculture and the Agricultural College of the University of Minnesota. Also attended one lecture on an agricultural subject.

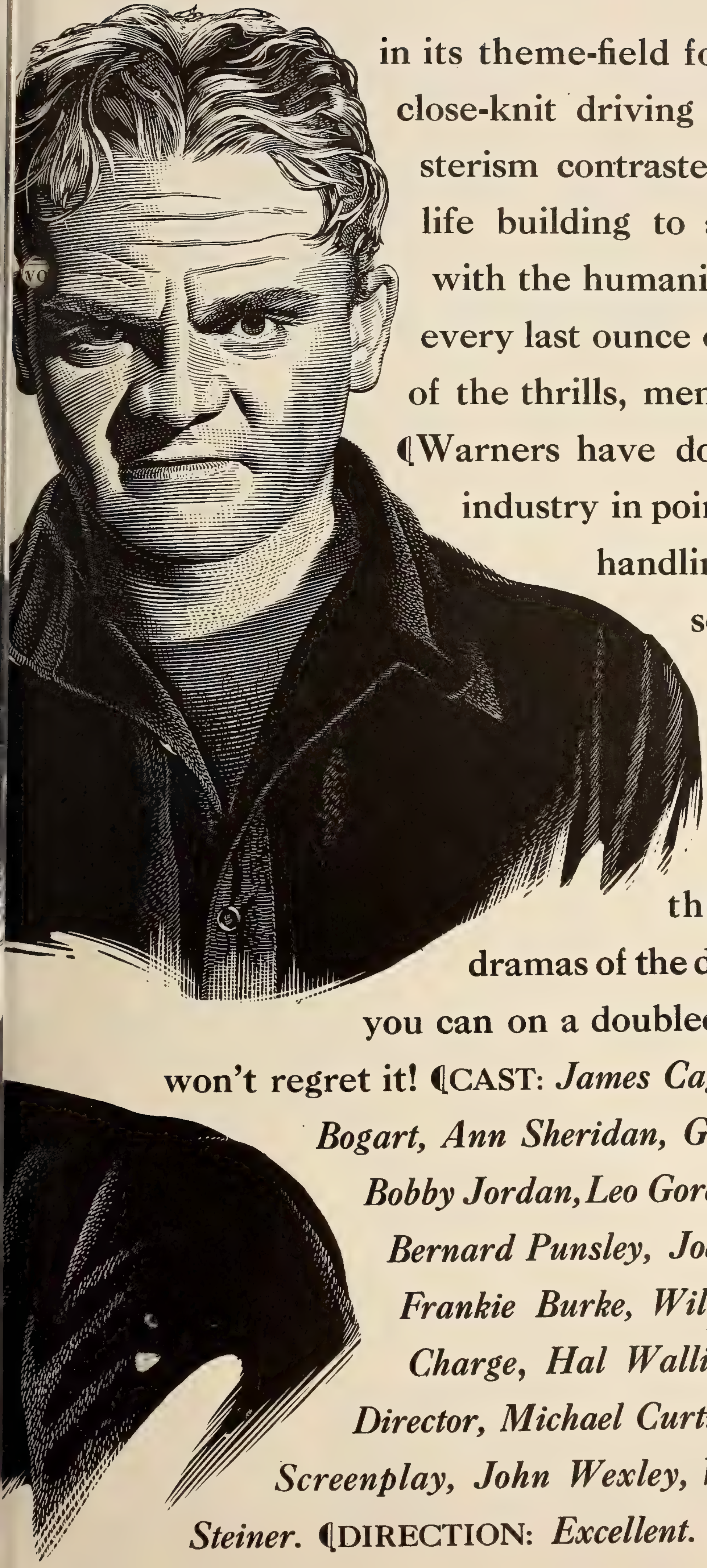
A REVIEW
by
Film Daily

Angels with Dirty Faces

Warners *97 mins.*



One of the cleverest concoctions of pulse-pounding excitement, heart-stopping thrills and throat-catching emotional human touches ever to hit the screen. It sets a new milestone in gangster dramas with a powerful human story. Large praise, but this Warner whirlwind of power-drama is something to let your hair down about and give it the ole showman gun on all counts. ¶Any exhibitor who can't knock off recent box-office records with this b. o. baby is simply asleep at the turnstile switch. Look what you've got to play with: Names—Jimmy Cagney, Pat O'Brien, 'Dead End' Kids, Humphrey Bogart, George Bancroft. And what a line-up of tough-egg talent that is! ¶Story—this story has never been topped

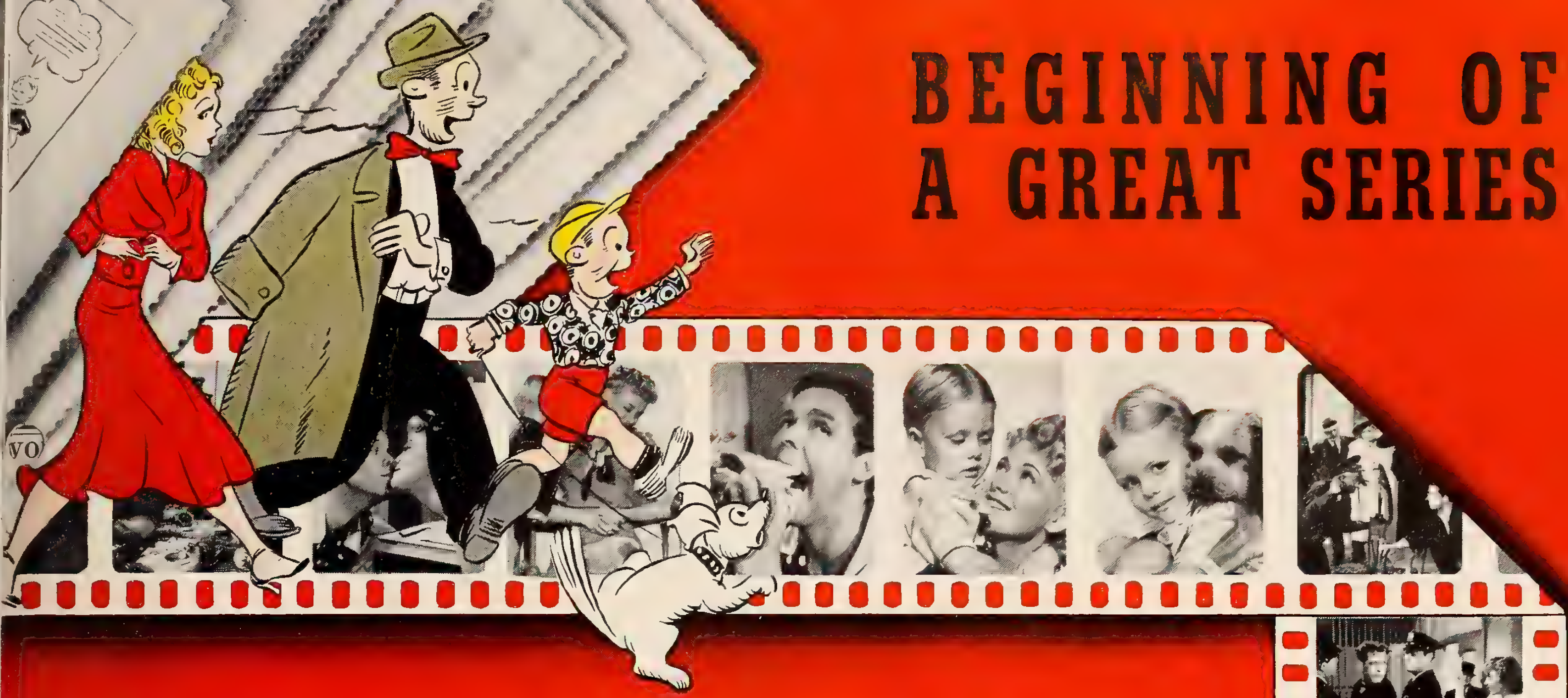


in its theme-field for downright excitement, close-knit driving punch, glamour of gangsterism contrasted with the finer things in life building to a great emotional climax with the humanities triumphing. It extracts every last ounce of entertainment value out of the thrills, menace, danger and suspense. ¶Warners have done a great service to the industry in pointing the way to the proper handling of the gangster theme so that not even the narrowest-minded reactionary can find material to quibble with. ¶Director Curtiz has done one of the finest heart-stopping dramas of the day. So, exhibitors, give it all you can on a doubled ballyhoo budget, and you won't regret it! ¶CAST: *James Cagney, Pat O'Brien, Humphrey Bogart, Ann Sheridan, George Bancroft, Billy Halop, Bobby Jordan, Leo Gorcey, Gabriel Dell, Huntz Hall, Bernard Punsley, Joe Downing, Edward Pawley, Frankie Burke, William Tracy.* ¶CREDITS: *In Charge, Hal Wallis; Producer, Sam Bischoff; Director, Michael Curtiz; Author, Rowland Brown; Screenplay, John Wexley, Warren Duff; Music, Max Steiner.* ¶DIRECTION: *Excellent.* PHOTOGRAPHY: *Grade A.*

MOTION PICTURE DAILY'S HANDY BOOKING CHART

*[Dates Are Based Upon National Release Schedules and Are Subject to Change. **This Chart Is Revised Weekly. Letters in Parentheses After the Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action**]*

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS	G. B.
Oct. 7	Crime Takes a Holiday (G) (D) West of the Sante Fe (O)	Stablemates (G) (D) *Wallace Beery* *Mickey Rooney* (906)	Sweetheart of Sigma Chi (reissue) *Mary Carlisle*	Touchdown, Army (G) (C) *Mary Carlisle* (3805)	The Night Hawk (G) (D) *Robt. Livingston* *June Travis* *Robt. Armstrong*	Mr. Doodle Kicks Off (G) (C) *Joe Penner* (904)	Meet the Girls *June Lang* *Lynn Bari* (910)		That Certain Age (G) (C) *Durbin* *Jackie Cooper*	Broadway Musketeers (A) (D) *Lindsay* *Marie Wilson*	Man with 100 Faces *Tom Walls* (Oct. 1)
Oct. 14	Flight to Fame Below the Rio (O) *Buck Jones*	Young Dr. Kildare (G) (D) *Lew Ayres* *Lionel Barrymore*	Where the Buffalo Roam (G) (O) *Tex Ritter*	Arkansas Traveler (G) (C) *Bob Burns* *Mary Carlisle* (3806)		A Man to Remember (G) (D) *Anne Shirley* (905)	Five of a Kind (G) (C) *Dionne Quintuplets* (919)	There Goes My Heart (G) (C) *Fredric March* *Virginia Bruce*	Swing That Cheer *Tom Brown* *Andy Devine*	The Sisters (G) (D) *Bette Davis* *Errol Flynn* *Anita Louise*	The Lady Vanishes (G) (C) *Margaret Lockwood* *Paul Lukas* (Nov. 1)
Oct. 21	Homicide Bureau *Bruce Cabot* *Rita Hayworth*	Listen, Darling (G) (C) *Bartholomew* *Judy Garland* (904)		Mysterious Rider (G) (O) (3807)		The Mad Miss Manton (G) (C) *Stanwyck* *Fonda* (906)	Mysterious Mr. Moto (G) (D) *Peter Lorre* (912)		Service De Luxe (G) (C) *Constance Bennett* *Vincent Price*	Girls on Probation (D) *Ronald Reagan* *Jane Bryan*	The Frog *Noah Beery* *Gordon Harker* (Nov. 15)
Oct. 28	The Little Adventuress *Edith Fellows* *Cliff Edwards* Law of the Texan (O)	The Citadel (G) (D) *Robert Donat* *Rosalind Russell* (909)		Men With Wings (G) (D) *MacMurray*	I Stand Accused (G) (D) *Robt. Cummings* *Helen Mack*	Tarnished Angel (G) (D) *Eilers* (907)	Suez (G) (D) *Tyrone Power* *Loretta Young* (913)		The Storm (G) (D) *Bickford* *MacLane* *Foster*	Brother Rat (G) (C) *Wayne Morris* *Priscilla Lane*	Climbing High (M) *Jessie Matthews* *Michael Redgrave* (Dec. 1)
Nov. 4	In Early Arizona *Bill Elliott* *Dorothy Gulliver*	The Great Waltz (G) (M) *Luise Rainer* *Fernand Gravet* *Miliza Korjus* (908)	Gangster's Boy *Jackie Cooper*	Illegal Traffic (G) (D) *J. Carroll Naish* *Mary Carlisle*	Rhythm of the Saddle (O) *Gene Autry*	Lawless Valley (O) *George O'Brien* (981)	Always in Trouble (G) (C) *Jane Withers* *Jean Rogers* *Arthur Treacher*	The Young in Heart *Gaynor* *Fairbanks, Jr.* *Goddard*	Exposed *Glenda Farrell* *Otto Kruger* Prairie Justice (O)	Hard to Get (G) (C) *Dick Powell* *de Havilland*	G. N.
Nov. 11	-	Spring Madness *Lew Ayres* *Burgess Meredith* *O'Sullivan*	Gun Packer (O) *Jack Randall*	If I Were King (G) (D) *Colman* *Rathbone*	Storm Over Bengal *Patric Knowles* *Rochelle Hudson*	Annabel Takes a Tour (G) (C) *Oakie* *Lucille Ball* (908)	Just Around the Corner *Shirley Temple* *Charles Farrell* (915)		His Exciting Night (C) *Charles Ruggles* *Ona Munson*	Torchy Gets Her Man (G) (D) *Glenda Farrell* *MacLane*	Dangerous Secrets *Paul Lukas* (Sept. 30)
Nov. 18	Adventure in Sahara *Paul Kelly* *Lorna Gray*	The Shining Hour *Crawford* *Sullavan* *Douglas*	Gang Bullets *Anne Nagel*	Thanks for the Memory *Bob Hope* *Shirley Ross* *Butterworth*	Santa Fe Stampede (O) Orphans of the Street	Law West of Tombstone *Harry Carey* *Jean Rouverol* (909)	Sharpshooters (G) (D) *Brian Donlevy* *Lynn Bari* (916)	Cowboy and the Lady *Cooper* *Oberon*	Strange Faces *Dorothea Kent* *Frank Jenks* *Andy Devine*	Nancy Drew, Detective *Bonita Granville* *John Litel*	Shadows Over Shanghai (G) (D) *James Dunn* *Ralph Morgan* (Oct. 14)
Nov. 25		Out West with the Hardys *Lewis Stone* *Mickey Rooney*	Little Tenderfoot (O) *Tex Ritter*	Say It in French *Ray Milland* Arrest Bulldog Drummond	Come On, Rangers (O) *Roy Rogers* *Mary Hart*	Peck's Bad Boy at the Circus *Tom Kelly* *Ann Gillis*	Submarine Patrol (G) (D) *Richard Green* *Nancy Kelly* *Preston Foster* (909)		Little Tough Guys in Society *Boland* *Auer* *Horton*	Angels with Dirty Faces (G) (D) *Cagney* *O'Brien* *"Dead End" Kids*	Frontier Scout (O) *George Houston* (Oct. 21)
Dec. 2	Blondie (G) (C) *Penny Singleton* *Arthur Lake*	Flirting with Fate *Joe E. Brown* *Leo Carrillo*	I Am a Criminal *John Carroll* *Mary Kornman*	Little Orphan Annie *Ann Gillis* *Robert Kent*	Western Jamboree (O) *Gene Autry* *Smiley Burnette*	Trailer Romance (Tentative) *Lucille Ball* *James Ellison* (910)	Road Demon *Henry Arthur* *Joan Valerie* *Henry Armetta* (918)		West Side Miracle *Helen Mack* *Edmund Lowe*	Devil's Island *Karloff*	Cipher Bureau (G) (D) *Joan Woodbury* *Leon Ames* (Oct. 28)
Dec. 9	Rio Grande (O) *Charles Starrett* *Ann Doran*	Dramatic School *Rainer* *Goddard* *Alan Marshall*	Tough Kid *Frankie Darro*	Ride a Crooked Mile *Farmer* *Erikson* *Tamiroff*			Up the River *Tony Martin* *Phyllis Brooks* *Preston Foster*		The Last Warning *Preston Foster* *Frances Robinson*	Secret Service of the Air *Ronald Reagan* *John Litel* *Ila Rhodes*	Sunset Strip Case *Sally Rand* (Nov. 5)



BEGINNING OF A GREAT SERIES

BLONDIE

THE FAVORITE HEROINE OF MILLIONS STEPS RIGHT OUT OF 230 NEWSPAPERS INTO ONE OF THE YEAR'S BIG SCREEN HITS!

This advertisement is to inform exhibitors about a new kind of down-to-earth, honest picture that plain, every-day folks have been aching to see.

Even if "Blondie" did not have a pre-sold audience of millions, due to its wide popularity as a leading King Features Syndicate cartoon strip, its fine, inherent entertainment qualities would make it "Box-office".

PRINTS IN EXCHANGES NOW!

PRE-VIEW

BLO

A NEW IDEA IS

ONE TO BRING ADDED

JIMMY FIDLER—I'm just one of the millions of Blondie-Dagwood fans who will greet this delightful screen interpretation of my favorite comic strip with keen delight.

•

LOS ANGELES TIMES—Built strictly for comedy and succeeding well.

•

LOS ANGELES EXAMINER—Blondie stepped right out of the funny paper onto the screen in one of the most refreshing and entertaining comedies of the year.

•

PICTURE REPORTS—It is a triumph for Columbia and for all concerned in its making, and it will undoubtedly be enormously popular.

•

CLICK MAGAZINE—BLONDIE a solid click.

•

FAWCETT PUBLICATIONS—By far the biggest laugh getter of the year and will prove a bigger crowd getter than many million dollar epics. It's a knockout!

VARIETY—Studio has hit paydirt . . . should have long span of popularity. Through it all runs a prominent strain of good substantial comedy and down-to-earth humor. Columbia turns out a particularly fine effort . . . which gets the transplanted cartoon-to-film characters off to a good start.

•

LONDON NEWS CHRONICLE—This should really be a natural anywhere the cartoon is enjoyed. It was a natural before the first reel had passed. Lake and Singleton perfectly cast. Gene Lockhart great. Frank Strayer and Richard Flournoy have kept spirit of cartoon through sympathetic direction of a perfect script.

•

PICTURE PLAY—Every man, woman and child must see BLONDIE, the first of a series Columbia is making of this famous comic strip.

•

SCREENLAND & SILVER SCREEN—For sheer entertainment, see BLONDIE. It's one for the whole family.

RAVES ON
NDIE

INVALUABLE! HERE'S
MILLIONS TO THEATRES!

NATIONAL BOX OFFICE DIGEST —Sensational box office possibilities in this picture. Will please every "Blondie" fan, others, too. Columbia has the beginning of a highly profitable series.

•

BOX-OFFICE FLASHES— Novel and refreshing feature which will be welcome addition to any program, while it provides ready-made exploitation potentialities for box-office takes far above its budget class. Penny Singleton and Arthur Lake are naturals as Blondie and Dagwood.

•

HOLLYWOOD CITIZEN NEWS—Rings the bell for inspired comedy.

•

SCREEN GUIDE—BLONDIE is the greatest comedy series of the year.

•

INTERNATIONAL NEWS SERVICE —Very good picture. Should be a hit.

•

FILM DAILY— Comedy hit should please them from six to sixty.

HOLLYWOOD SPECTATOR—Family audiences will be delighted with it and all theatre-goers will find in "Blondie" a comedy of notable ebullience and freshness.

•

LOS ANGELES EVENING NEWS —As funny as the comic strip. All the characters, Blondie, Dagwood, Baby Dumpling and even the pooch, Daisy, are convincingly brought to life. Penny Singleton, in the title role, does a splendid bit of work, while Arthur Lake's Dagwood and little Larry Simms' Baby Dumpling are excellent.

•

SMART EXHIBITORS PREFER

"BLONDIE"

**Based Upon the Comic Strip
Created by Chic Young**

with

**PENNY SINGLETON • ARTHUR LAKE
LARRY SIMMS • GENE LOCKHART**

Screen Play by Richard Flournoy
Directed by FRANK R. STRAYER

A COLUMBIA PICTURE

N. Y. DAILY NEWS

Rare . . . excellent construction . . . exceptional and altogether enjoyable. Beautiful performances.

N. Y. TIMES

Written with tenderness, insight; performed with enchanting naturalness; directed with gracious balance of light comedy, poignant youthful tragedy.

N. Y. WORLD-TELEGRAM

Well-acted, full of charm and conviction. Cast is first rate, direction alert . . . imaginative.

N. Y. MORNING TELEGRAPH

Most attractive, very interesting, neatly staged and brilliantly acted. Has warmth, intensity.

N. Y. POST

Good. A fine show of sweet young things.

N. Y. DAILY MIRROR

Sincere, interesting, realistic. Played supremely well. Healthy entertainment for the family.

N. Y. JOURNAL-AMERICAN

Entertaining comedy-drama. Quiet sincerity and charm. Amusing and sympathetic.

N. Y. HERALD TRIBUNE

Delicacy of treatment . . . fast-moving . . . engaging.

●

GIRLS' SCHOOL

Anne SHIRLEY • Nan GREY
Ralph BELLAMY
Story by Tess Slesinger • Screen play by Tess Slesinger and Richard Sherman • Directed by JOHN BRAHM
A COLUMBIA PICTURE

MORE GOOD NEWS ON "GIRLS' SCHOOL"! . . . AFTER SWELL OPENING AT TIMES SQUARE'S CRITERION THEATRE, MANAGEMENT REPORTS GROSSES ZOOMING EACH DAY AS RESULT OF GRAND REVIEWS AND WORD-OF-MOUTH! PLUS FACT THAT PICTURE HAS GREAT FEMININE APPEAL! . . . .

COLUMBIA PICTURES

Banner LINES

JOHN ROYAL sent ducky little straw hats to the radio scribes (plus a $5 merchandise order for the purchase of a real chapeau) as a result of NBC's broadcast of the Seabiscuit-War Admiral race. This is the race CBS was to have carried, [illegible] which didn't come off because the race was cancelled. NBC thereupon boasted that when the race actually was run its network would carry the description, and when he heard of the boast Bryan Field, CBS sports commentator, vowed he'd eat a hat if NBC made good. He's eating it, too, for Royal sent him a cake baked in the form of a hat.

▼

Somebody forgot to tighten the knob on the rod that holds the microphone in the studio used by Lyn Murray and his four singers, resulting in a rather amazing sight. After the program began, the mike started to slide downward, with Murray unable to grasp it, and the singers likewise because they had sheet music in their hands. It ended by the chorus singing on their knees.

▼

Sunday on the Blue, from 8 to 8:30 P. M., the same hour when listeners were frightened a week ago by "War of the Worlds" NBC presented a tabloid version of the musical comedy "Sing Out the News." Suddenly there came an interruption, and an announcer shouted: "Flash extra! Groucho Marx is elected president of the United States!" No New Dealers collapsed.

▼

Scrambled announcers dep't: Charley Stark gets the "Morning Almanac" program, replacing John Reed King, who will do the Sophie Tucker show, replacing John Allen Wolf.

▼

Raymond Paige auditioned for Chevrolet last night, with the most colossal popular orchestra ever assembled for radio—100 men. Paige has been idle since coming here from Hollywood some months ago.

—JACK BANNER

30 Bands Will Play AFL Benefit Dance

More than 30 bands already have agreed to perform at the annual benefit dance to be given by local 802 of the American Federation of Musicians at the Manhattan Center Nov. 15. The entire program will be broadcast by WNEW, beginning at 9 P.M. and carrying over until 6 the following morning.

Pall Mall Renews Duchin

American Cigarette Co., sponsoring Eddie Duchin for Pall Mall cigarettes, has renewed the series for 13 weeks, effective Dec. 5, on the NBC-Red Mondays from 9:30 to 10 P. M.

Lee Pushing Television

SAN FRANCISCO, Nov. 8.—Don Lee Broadcasting System has made application to the F. C. C. for permission to erect a television station here.

NBC Billings for October $3,773,964

NBC's billings for October of this year rose 13 per cent over the corresponding month in 1937, marking the 11th successive month the network's billings have climbed. The October, 1938, billings amounted to $3,773,964, and the billings for the same month last year totaled $3,339,739.

The cumulative 10-month total for 1938 amounted to $33,676,688, compared to the 10-month total of 1937 of $31,630,854, a 6.5 per cent improvement.

NBC's Eastern Spot Sales Up in October

Bookings on NBC managed and operated stations received a larger volume of business during October from the eastern division spot sales department than a year ago, with the leaders being the Ford, Dodge and Nash auto accounts.

Other accounts signed by the division for October include the Maryland Pharmaceutical Co., Peter Paul, Inc., American Molasses Co., Sun Oil Co., Chrysler, Kelvinator, United Drugs, Royal Typewriter, Best Foods, Railway Express, Manhattan Soap, Parker Bros., D'Arrizo Bros. Programs from those companies are being broadcast on from 50 to 250 stations each.

US Series to France To Start in January

(*Continued from page 1*)

nation a picture of American life and industry.

Henri Diamant Berger, French film producer now here on a commission from the French Government for the purpose of making radio recordings of American life, and Jack Hartley, assistant manager of NBC's special events division, leave New York this week on a coast-to-coast tour. They will return late in January.

They plan to make recordings of every important American industry, and the plans call for a stop of at least two weeks on the lots of most of the studios in Hollywood.

Televise Armistice Servic

LONDON, Nov. 8.—Lord Mayor's show tomorrow and the Armistice Day ceremony at the Cenotaph on Friday will be televised at the Tatler.

Pick NAB, RMA Men for Meeting

WASHINGTON, Nov. 8.—At the invitation of Neville Miller, NAB president, representatives of the Radio Manufacturers' Association and the National Association of Broadcasters will meet in New York at the Hotel Ambassador, Nov. 17 to lay the foundation for the joint promotion of radio.

A. S. Wells, of the Wells Gardner Co., Chicago, who is president of the R. M. A., has named the following committee: James M. Skinner, chairman, president, Philadelphia Storage Battery Co.; Powel Crosley, president, The Crosley Corp.; Henry C. Bonfig, vice-president, RCA Mfg. Co.; Commander E. F. McDonald, Jr., president, Zenith Radio Corp.

Wells and Executive Vice-President Bond Geddes will be members ex-officio.

With President Miller serving as chairman of the committee, the following have been invited to serve on the NAB committee: H. Bliss McNaughton, WTBO, Cumberland; I. R. Lounsberry, WGR, Buffalo; Edward Klauber, executive vice-president, CBS; Theodore Streibert, vice-president, Mutual, and Ed Kirby, member ex-officio.

NBC Show Nov. 13 Salutes Affiliates

"This Is Radio," a special dramatic script show, designed as a salute to the 160 stations affiliated with NBC, will be offered Nov. 13 from 11 A. M. to 12 noon on the combined Blue and Red networks. The program will trace radio highlights, starting with the Harding-Cox election. The play is by Tom Langham, and direction will be by Joe Bell, both of NBC's staff.

NBC's 12th anniversary will occur Nov. 15.

March of Time Goes Off the Air Dec. 2

"March of Time" will go off the air Dec. 2.

The program was to have left the air six weeks ago, when *Time Magazine's* contract to sponsor the series came to an end. At the last moment, however, *Time* agreed to continue sponsorship for an additional six weeks while a drive was on to find another sponsor.

Cancellation notice for the program was issued yesterday.

Resume Northern Service

Montreal, Nov. 8.—Canadian Broadcasting Corp. resumed its northern messenger service Friday from midnight to 1 A. M., E.S.T., when stations of the mideast and western network carried strong signals with personal messages to people living in Northern Canada and the Arctic not served by any recognized commercial or Government system of electrical communication.

As in former years, the service will be operated throughout the winter months at the same time each week. Sydney S. Brown will again supervise the broadcasts which this season originate in the corporation's Toronto studios.

Friday's broadcast carried greetings to the far north from Dr. Charles Cansell, Deputy Minister of Mines, and Major D. L. McKeand of the Bureau of Northwest Territories and Yukon Affairs.

▶ Radio Personals ◀

ANDRE BARUCH has been signed as announcer of the "American Album of Familiar Music," the first change in the show in years. . . . Jack Waldon is en-route to the coast, and his place on WHN's "Original Amateur Hour" will be taken by Ed East. . . . A girl has been born to Mrs. Robert E. Study. Study is chief engineer of WOV-WBIL, New York. . . . Bill Rainey, NBC production manager, to the hospital for an appendicitis operation. . . . John Karol, CBS director of market research, is off to address advertising councils in Columbus and Cincinnati. . . . Herb Devins of J. Stirling Getchell in town for the auto-show. . . . Walter Holmes, WBNX announcer, and Ellen Jennings are on their way to Bermuda on a honeymoon. . . . Johnny Messner will appear as a guest on the Kate Smith show tonight. . . . Elaine Stern Carrington, author of "Pepper Young's Family" and episodes in the Jean Hersholt "Dr. Christian" plays, is back from a trip to Hollywood.

Ford Takes WHN Time

Ford Motor Co. has signed for a series of spots on WHN, McCann-Erickson placing the account. A similar contract for Washington State Apple, Inc., for three weeks, starts Monday, through the J. Walter Thompson agency.

KEEP YOUR RED CROSS ALWAYS READY

RED CROSS ROLL CALL
Nov. 11-24, 1938

Your memberships given now assure prompt disaster relief, help for disabled veterans, and life saving and first aid training.

Motion Picture Group
W. G. Van Schmus, Chairman
NEW YORK CHAPTER
AMERICAN RED CROSS
315 Lexington Ave., New York

"A beautiful and deeply touching picture which has *everything to insure box-office success!*"

VARIETY

SELZNICK INTERNATIONAL presents
JANET GAYNOR • DOUGLAS FAIRBANKS, JR. • PAULETTE GODDARD
in
THE YOUNG IN HEART
with
ROLAND YOUNG • BILLIE BURKE
HENRY STEPHENSON • introducing RICHARD CARLSON • Directed by RICHARD WALLACE
Based on the Saturday Evening Post Serial, "THE GAY BANDITTI" by I. A. R. WYLIE
Produced by DAVID O. SELZNICK • Released thru UNITED ARTISTS

P. S. House packed, lobbies jammed, lines waiting at Radio City Music Hall as . . . crowds ...crowds... confirm critics' predictions and picture holds over for second smash week!

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 44. NO. 93 NEW YORK, THURSDAY, NOVEMBER 10, 1938 TEN CENTS

McNinch Lets Out More Men On FCC Staff

Examining Division Goes To Legal Department

WASHINGTON, Nov. 9.—Chairman Frank R. McNinch today continued his "purge" of the Federal Communications Commission, securing a majority vote for abolition of the Information and Examining Divisions and the discharge of C. Frank Wisner, who has handled the commission's publicity for a dozen years; Davis G. Arnold, chief examiner, and Melvin H. Dalberg, an examiner. All other examiners were transferred to the legal division.

Additional developments in radio yesterday on page 8.

Indications are that the commission may find itself involved in controversy with the Civil Service Commission, which has held that officials may not get rid of subordinates by abolishing their positions and giving the jobs new names, as well as with Congress, where considerable criticism of McNinch's course will be voiced next session by members interested in the "purgees."

'Twas Non-Profit

Allerton, Ia., Nov. 9.—The Allerton, run on a non-profit basis, has closed because it was too much so.

The promoters found the overhead topping grosses.

British End Fight On Double Billing

LONDON, Nov. 9.—Cinematograph Exhibitors' Association today admitted defeat on the double feature problem, which revolves around a conflict between the independent and circuit interests in the organization. After a long debate the general council today accepted the committee's report, admitted the problem unsolvable, and chided the C. E. A. branches for their opposition to the proposal that films be graded as a means of solving the problem.

The abandonment of the struggle was accepted with bad grace by a number of independents. One declared the committee had never handled any problem so unsatisfactorily, another that the committee's attitude was silly, a third that the independent market represented $90,000,000 annually and that there was no use trying to solve an economic problem politically.

Government Combats Move On Anti-Trust Suit Details

Every demand for particulars made by defendants in the anti-trust suit probably will be opposed by Government attorneys when a hearing on the motion is held before Federal Judge William Bondy at 10:30 this morning. The Government, it is understood, will contend that the bill of complaint is sufficiently detailed to permit the defense to prepare for trial without further information.

Shelby Fitze and Paul Williams of Special Assistant Attorney General Thurman Arnold's staff in Washington are here to argue against the defense motion. Opposition presumably will be based on the law. No additional affidavits will be submitted. A voluminous brief has been prepared.

It is expected that a principal argument against the motion will be that most of the information sought is within the knowledge of the defendants.

The purpose of a bill of particulars apparently would be to limit the amount of evidence which can be presented by the Government. Also that the defense is entitled to know, in advance, what the Government aims for in order to prepare an answer.

If the demand is granted, a time will be fixed within which the bill must be furnished. The defense seeks 60 days thereafter for the preparation of answers to the bill of complaint. In line with previous policy, Government forces may not oppose the request for additional time, but will ask the court to set a date.

Judge Bondy will also hear the request by United Artists to strike out portions of the complaint. A request that several of the individual defendants in the U. A. group be dropped is under consideration at Washington, but no decision has been reached. It is customary in anti-trust suits to name all officers and directors as defendants, but their names are dropped upon severance of their connection with the corporation.

U. S. CONTEMPT CHARGES FILED IN CHICAGO ROW

B. & K., All Majors Excepting Columbia, Charged with Violation of 1932 Anti-Trust Consent Decree

CHICAGO, Nov. 9.—The U. S. Department of Justice today filed criminal contempt proceedings against Balaban & Katz Theatres, Paramount and all the major companies, except Columbia, for alleged violation of the consent decree handed down here in 1932. The case was filed with U. S. District Judge Woodward.

It is charged that a first run monopoly has been maintained in violation of the decree and that this prevents the Oriental, McVickers, State-Lake and Woods from getting first runs in spite of the fact that inferior B. & K. houses get them.

Defense attorneys are asked to show cause Nov. 28 why judgment should not be rendered.

Barney Balaban, president of Paramount, also is president of B. & K.

These contempt proceedings are apparently an outgrowth of the anti-trust suit filed Sept. 19 against major distributors by 89 independent exhibitors, of which 86 were members of Allied of Illinois. In that suit it was charged that B. & K., Paramount and seven other distributors named as secondary defendants had violated the anti-trust laws by insisting upon a clearance system which prevented most independents from getting pictures until 10 weeks after they had first played downtown. It was also charged that many surrounding cities get pictures before Chicago subsequent runs.

Application for a temporary injunction to halt current booking practices pending trial was made at the time

(Continued on page 5)

Final Action Set For Next Week on Trade Practices

Final meetings on a self regulation program for exhibition and distribution will be held next week, at which time formal drafts of the trade practice agreement will be drawn.

The final sessions will be for the primary purpose of agreeing on the wording of the final trade practice draft. Indications are that M. P. T. O. A. will bring only a small subcommittee into New York for this purpose.

A similar meeting on the phraseology of the draft may be held today or Monday by the distributors' negotiating committee and the representatives of unaffiliated regional exhibitor organizations. Final meetings with representatives of Allied States will be held next week. No agreement has been reached yet on the date on which the program will become effective. Ed Kuykendall, M. P. T. O. A.

(Continued on page 4)

Pathe's Liquidation is To Come Up on Dec. 6

Pathe stockholders will be asked to consider liquidation on Dec. 6. The company's board of which Robert R. Young is chairman, voted on Tuesday to submit such a proposal to stockholders. Pathe owns 35 per cent of Dupont Film, on which for the first six months, this year, it earned $223,000.

G.N. Board Acts on British Plan Today

Grand National's board of directors at a meeting today will hear details of the proposal for British distribution of the company's product by Associated British Pictures Corp. which was made to E. W. Hammons, Grand National president, by John Maxwell in London recently. If the Grand National board approves the proposed deal, Hammons may return to London in the near future to conclude the arrangements.

Franklyn Warner, president of Fine Arts Pictures, which will make more than half of the Grand National feature lineup, will arrive from Hollywood by plane today to attend the board meeting.

◂ Purely Personal ▸

STANTON GRIFFIS, chairman of the Paramount executive committee, who is en route here from Hollywood, will stop off at Ithaca tonight to attend a meeting this weekend of the board of trustees of Cornell University, of which he is a member. He will arrive in New York Monday.

•

Robert Gillham, Paramount advertising and publicity director, who was scheduled to arrive in New York from the studio tomorrow, is spending a few additional days in Hollywood and will be back here next week.

•

William J. Gell, managing director of Pathe Pictures, Ltd., and Arthur Levey, Monogram's English representative, return to London on the *Normandie* Saturday after a 10-day stay here.

•

William C. Gehring, 20th Century-Fox division manager, arrives in Omaha today on a swing of midwest exchanges with James P. O'Loghlin, Kent drive leader.

•

Freddie Bartholomew will arrive tomorrow from Providence and will continue his personal appearance tour in Jersey City, Newark and Chicago before returning to the coast.

•

Lillie Messinger, RKO story editor, plans to return to the coast next week, after looking over new story material.

•

Frank Donovan, Pathe Sportscopes production manager, has dispatched camera crews to Pimlico and other racetracks.

•

Walter Gould, Latin American division manager for U. A., returns today from a four-month survey of his territory.

•

H. A. Ross has left on a five-week business trip which will take him to the coast.

Rites for Louis Myers

Funeral services for Louis Myers, local exhibitor, were held at the Park West Memorial Chapel yesterday, with many film and theatre men attending. Myers, 52, died Tuesday after a long illness.

Until recently he was a partner with Abraham Leff in the Five Boroughs Theatre Circuit. After selling his interest, he became a partner with Charles Goldreyer in the Costello Theatre. Myers was a director of the I.T.O.A. and active in the Zionist movement.

"Patrol" Out Christmas

Warners will release "Dawn Patrol" Christmas week. This decision was reached here following a conference between Major Albert Warner, Gradwell L. Sears and S. Charles Einfeld because the picture is an indictment of war. Warners are talking about heavy advertising for this film.

Insiders' Outlook

EDDIE CANTOR believes that percentage contracts for top flight talent are best for the studios. He has such a deal with RKO for a picture which will get started early next year. Another picture which he will make for M-G-M next fall is on straight salary basis.

Cantor was asked the titles of his forthcoming films. "What difference does it make?" he parried. "I've made bad pictures with good titles and good pictures with bad titles. So what's the odds?"

▼ ▼

The International Labor Organization, affiliate of the League of Nations, proposes to make greater use of films in propaganda work, according to Louis Resnick, who has just returned from Geneva where he talked with League officials. It is understood that films suitable for exhibition is 50 countries are on the I. L. O. plan.

▼ ▼

Dick Pack of WNYC tells a quaint story about the election. Pack was working in the Chanin Building at Gov. Lehman's headquarters, and at a late hour the election still was a nip and tuck affair, with Lehman's lead, established earlier, dwindling. Finally, through his headpiece, Pack got word that Dewey had conceded the election to Lehman and had dispatched a congratulatory message to the Governor. Pack scribbled this information on a piece of paper and handed it over to the Governor, and asked the Governor to broadcast a "thanks" message to the electorate. Lehman scribbled back that he didn't believe Dewey had yet conceded the election to him, and that he preferred to wait until he received Dewey's wire.

It arrived 10 minutes later, and then the Governor went on the air.

▼ ▼

"Angels with Dirty Faces" is one of the finest of this season's pictures. Pat O'Brien gives a swell performance as the priest. And in it you get the whole caboodle of "Dead End" kids besides James Cagney and Ann Sheridan.

▼ ▼

Altec is ready to market a new, portable "flutter bridge" as a part of its regular theatre sound servicing. This "flutter bridge" is supposed to make possible the measurement and control of flutter. Previously "flutter bridges," because of their bulk, were restricted to laboratory use for sound manufacturers and Hollywood studios.

▼ ▼

One of the oldest programs on the air is "Painted Dreams," on the WGN, Chicago, schedule. It tells the story of "Mother Moynihan." The program started in 1930. Kay Chase has been authoring it since 1932, at which time the show changed authorship. Mary Affleick is producer of the program.

Wright Quits Loew, Brown Succeeds Him

Erle Wright, publicity director for the Loew-Poli houses in New England, has resigned. He was with the circuit more than six years and before that was with U. A. He is succeeded by Lou Brown, Loew publicity man in the Bronx, who will take over in New Haven Monday.

Carl Fishman, now handling the west Bronx, will take over Brown's district. Oscar A. Doob, the circuit's advertising and publicity head, has called a staff meeting for tomorrow to announce the realignment.

Henkin Joins Rosenberg

Sol Henkin, former Warner division manager in Pittsburgh and Philadelphia, has been appointed head of theatre operations for the Congress Cinema Corp., Metro Cinema Corp. and Daly Cinema Corp., all controlled by Moe Rosenberg, Bronx exhibitor.

Fulton Sells in Kansas

Kansas City, Nov. 9.—W. D. Fulton has sold the Howard, Arkansas City, Kan., to Gus Diamond, former Dickinson circuit booker, who recently opened a house in Salina, Kan. This leaves Fulton with the State, Tivoli and Southtown.

Suit Over Disney's Drawings Dismissed

Los Angeles, Nov. 9.—U. S. District Judge William P. James today dismissed a copyright infringement suit for $3,500,000 brought by Adelaide Halpern against Hearst Publications, Pepsodent and Lord & Thomas.

The suit was based on a newspaper ad offering "a moving picture machine with two sets of colored movies featuring Walt Disney's 'Snow White and the Seven Dwarfs.'" The plaintiff alleged infringement of a copyright obtained in 1930 and asserted Disney had been employed by the defendants to draw pictures for a cardboard peepshow device. The court ruled the idea was in the field of common knowledge.

Warners Win Suit Point

Warner Bros. Pictures, Inc., First National Pictures, Inc., and M. Witmark & Sons, Inc., defendants in a plagiarism suit to recover $1,500,000 damages, were successful yesterday in their application to Federal Judge Edward A. Conger for an order directing Irving Gielow, the plaintiff, to produce for their inspection the original manuscript of his dramatic work, "Give Me This Night, or "Flirtation Walk," and the songs, "I Can't Believe" and "Mr. and Mrs. is the Name."

FHA Requests Bids For 3-Color Films

Washington, Nov. 9.—Planning to put out color films depicting the activities and accomplishments of the Government's housing-loan program, the Federal Housing Administration today called for bids, to be opened Nov. 18.

The contract will run through the remainder of the current fiscal year, which ends June 30, next, and proposals are asked on production, both in color and black and white, sound and silent, and, separately, on prir color and black and white, sound a silent, in both 35 and 16 mm. widths.

Scenarios are to be prepared by the contractor in cooperation with the F.H.A., along the general lines of films already produced. The first film under the contract will not exceed 2,000 feet and will use a three-color process. Subsequent reels will not exceed 4,000 feet and may be in color or black and white. Past films of the F.H.A., it was said, have averaged approximately 700 feet. It is anticipated that a minimum of 25 prints will be used in the 35 mm. width and 10 prints in the 16 mm. size.

The F.H.A. has a contract for black and white films, held by Pathe, but has not heretofore engaged in color production.

Momand Is Allowed To Amend Complaint

Oklahoma City, Nov. 9.—A. B. Momand, plaintiff in a $4,900,000 Federal anti-trust suit against 20th century-Fox and the Griffith Amusement Co., has been granted permission to amend his petition in conformity with Judge Edgar Vaught's ruling in his old suit against Paramount-Publix.

Judge A. P. Murrah gave Momand 20 days in which to amend the petition and allowed the defendant attorneys 20 more days from that date to plead the case.

Foland in K. C. Exchange

Kansas City, Nov. 9.—Atlantic Pictures Exchange here, formerly in charge of E. W. Kolb, has been taken over by Jim Foland, associated with film and supply distribution in the territory 26 years.

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: Motion Picture Herald, Better Theatres, Teatro al Dia, International Motion Picture Almanac and Fame.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver editor. *Chicago:* 624 S. Michigan Ave., C. B O'Neill, manager. *London:* 4 Golden Square W. 1: cable address, Quigpubco, London: Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

The Nancy Drew Series

CAN DRAW AS NO SERIES HAS BEFORE!

She's sweet sixteen and the sweetest idea yet presented in a family-patronage feature series! Yours from WARNERS—straight from the famous Carolyn Keene books with a mass appeal de luxe, *plus* a matinee magnetism no other series has approached!

See the First—You'll Demand Them All!

Now Booking

NANCY DREW, Detective

Bonita Granville

Plays 'Nancy'—and plays her mighty swell!

Now in Production

NANCY DREW, Reporter

"Brother Rat" Washington's Hit $21,000

WASHINGTON, Nov. 9.—"Brother Rat," at Warners' Earle with a take of $21,000, made the best showing of the week.

"Stablemates" at Loew's Capitol had a gross of $19,500. "Suez" returned a profit at Loew's Palace with a gross of $15,000.

Estimated takings, exclusive of tax, for the week ending Nov. 3:

"Stablemates" (M-G-M)
LOEW'S CAPITOL—(3,434) (25c-65c) 7 days. Stage: Eunice Healey, Paul Haakon. Gross: $19,500. (Average, $16,500)
"Sing You Sinners" (Para.)
LOEW'S COLUMBIA—(1,243) (25c-40c) 7 days. Gross: $3,500. (Average, $4,200)
"Suez" (20th-Fox)
LOEW'S PALACE—(2,370) (25c-55c) 7 days. Gross: $15,000. (Average, $11,500)
"That Certain Age" (Univ.)
RKO-KEITH'S—(1,836) (25c-40c) 7 days, 3rd week. Gross: $4,500. (Average, $10,000)
"Brother Rat" (W. B.)
WARNERS' EARLE—(2,218) (25c-66c) 7 days. Stage: Eleanor Whitney, Herbie Kay & orchestra. Gross: $21,000. (Average, $16,000)
"You Can't Take It With You" (Col.)
WARNERS' METROPOLITAN—(1,591) (25c-40c) 7 days, 5th week. Gross: $3,800. (Average, $4,000)

CEA Protests Bias In Reels' Comment

LONDON, Nov. 9.—Cinematograph Exhibitors' Association today met with the Newsreel Association and protested against alleged political flavoring of newsreel commentaries. Citing the recent charge of pro-Chamberlain bias during the crisis, the C. E. A. pleaded for impartiality in newsreel handling.

The exhibitor organization threatened that unless partisanship is avoided, members would be advised to book newsreels on a weekly basis only. Newsreels also were warned of the dangers of censorship, and were told that if the reels are censored, they will be dropped entirely from theatres. Representatives of the newsreel group pleaded not guilty to the bias charge and promised to be particularly cautious in the future.

Olajos Erpi Treasurer

Charles Olajos, former assistant treasurer of Erpi, was elected treasurer of the company at a meeting of the board of directors yesterday. He will assume his new post Dec. 1, succeeding F. B. Foster, the present Erpi treasurer, who becomes comptroller on that date. Olajos has been with Erpi since 1929 and prior to that was associated with Western Electric.

Paramount Signs Rogers

HOLLYWOOD, Nov. 9.—Paramount will film the life of Gus Edwards and has made a deal with Charles R. Rogers for the latter to produce the picture starring Bing Crosby. Tentative title is "The Star Maker." Yarn was authored by Arthur Caesar and William A. Pierce.

Montclair Opens Sundays

MONTCLAIR, Nov. 9.—Sunday films were approved for this city by a referendum vote of 6,688 to 5,077.

Hollywood Previews

"The Cowboy and the Lady"

(Goldwyn-United Artists)

HOLLYWOOD, Nov. 9.—Comedy romance that runs into many a snarl, not the familiar formula carryings-on of rootin', tootin', shootin' buckaroos, is the subject matter of "The Cowboy and the Lady," Samuel Goldwyn's first production on his 1938-'39 program. Partially hokum, partly sophisticated, the down to earth love story written by Leo McCarey and Frank R. Adams, transcribed to the screen by S. N. Behrman and Sonya Levien and directed by H. C. Potter, stars Gary Cooper and Merle Oberon.

With Cooper back in a blue jeans and sombrero role and Miss Oberon a lady of wealth adventuring in romance, support that continually accentuates the basic comedy is contributed by Patsy Kelly, Mabel Todd, Fuzzy Knight, Walter Brennan and Harry Davenport.

Cooper, a rodeo bulldogger, wants a wife. Miss Oberon, whose father, Henry Kolker, wants to be president, is tired of playing hostess to the gang of dignified mossbacks which clusters around him. She accepts the advice of her uncle, Davenport, to find excitement and happiness in the company of a plumber or a strong-backed truck driver.

On a blind date with housemaids Kelly and Todd, Miss Oberon, posing as a lady's maid, meets Cooper. Following a pulse tingling courtship aboard a tramp steamer, the pair marry. While Miss Oberon returns to Palm Beach to explain things, Cooper awaits his bride at his Montana ranch. When she fails to show upon time, he goes after her. Instead of finding his wife a maid, he discovers her presiding at a dinner table. Disillusioned, he delivers a short but pointed speech on how the common herd thinks. Returning to Montana, he finds his father-in-law, wife and her uncle, awaiting him. A happy ending follows.

Supplementing the running comedy are three or four interpolated gags that had the audience in uproarious laughter. In one episode, Cooper tosses the richly clad Miss Oberon into a swimming pool. Another has Miss Oberon messed up in a lot of sticky fly paper and a third, prolonged but amusing, has Cooper pantomiming and entertaining the ranch hands, who think he is batty, in his partially completed dream house. While the shipboard romance is at time sizzling in dialogue and juxtaposition of personalities, the incident has been handled in a manner that limits likelihood of objection on moral grounds.

Appeal is mainly to adult audiences.

Running time, 100 minutes. "G."* G. McC.

"G" denotes general audience classification.

Final Action Due Next Week On Trade Practice Program

(Continued from page 1)

president, met yesterday with Sidney R. Kent of the distributors' negotiating committee and, after receiving informal clarification of most of the trade practice points which were in question when the M. P. T. O. A. committee suspended its negotiations with the distributors' representatives two weeks ago, began preparations for a final meeting of M. P. T. O. A. interests. The meeting will be scheduled for some time next week, the date to be set by Kuykendall today after canvassing members of his executive committee.

General sales managers and other home office executives received a report yesterday on the progress of the negotiations and the as yet undetermined exhibitor requirements. Their meeting was primarily for the purpose of keeping those distribution companies which are not directly represented on the negotiating committee informed of developments and, also, to obtain their approval of what has been done thus far. Understood that the meeting also defined the authority of the negotiating committee in matters which remain unsettled. Paramount, United Artists and Universal are not directly represented on the distributors' negotiating committee.

Reports of internal dissension among Allied leaders over acceptance or rejection of the trade practice program arose yesterday following issuance of a bulletin from the office of Abram F. Myers, Allied chairman, denying that an initial agreement had been reached by the organization with the distributors' committee in Chicago last week. The reports held that some Allied leaders advocated accepting the trade practice concessions, whereas other officers were urging rejection of any program which did not include elimination of block booking, affiliated theatre divorcement and Department of Justice sanction.

Despite this, distribution officials held to their prediction that the trade practice program would be completed before Thanksgiving Day and, possibly, by the end of next week.

"Suez" Cheers Kansas City; Others Slow

KANSAS CITY, Nov. 9.—A general lag at the box-office held down grosses. "Smashing the Rackets" and Gene Autry gave Fox Tower $10,600, the best showing. "Suez" took $3,800 at the Esquire and $5,100 at the Uptown.

Estimated takings for the week ending Nov. 2-3:

"Suez" (20th-Fox)
ESQUIRE—(800) (25c-40c) 7 days. Gro $3,800. (Average, $3,000)
"The Citadel" (M-G-M)
"Girls School" (Col.)
MIDLAND—(4,000) (25c-40c) 7 days. Gross: $8,300. (Average, $11,500)
"The Sisters" (W.B.)
NEWMAN—(1,900) (25c-40c) 7 days. Gross: $6,600. (Average, $7,000)
"Suez" (20th-Fox)
UPTOWN—(2,000) (25c-40c) 7 days. Gross: $5,100. (Average, $4,000)
"Brother Rat" (W.B.)
ORPHEUM—(1,500) (25c-40c) 7 days. Gross: $5,000. (Average, $5,000)
"Smashing the Rackets" (RKO)
FOX TOWER—(2,200) (25c-35c-55c) 7 days. Stage: Gene Autry with Frankie Marvin; El Brendel with Flo Burt; Keene Twins, Vic & LeMarr, Three Capring Sisters. Gross: $10,600. (Average, $8,000)

Cole Renamed Head By Allied of Texas

DALLAS, Nov. 9.—Col. H. A. Cole was reelected president of Allied Theatre Owners of Texas for the 18th consecutive term this afternoon.

Other officers elected were: Vice-presidents, Reuben Frels, Henry Hall, Lee Threet, Mrs. Marthe McSpadden, R. N. Smith and W. A. Mauldin; secretary-treasurer, A. W. Lilly; directors, T. W. Lewis, Will Dorbandt, L. C. Tidball, C. M. Cooper, Henry Sparks, Mrs. Tom Donnell, P. V. Williams, Homer Mulkey, Lonnie Legg, Roy Howell, Roy Jennings, Otto Schmidt and W. J. Chesher.

Resolutions were passed approving the Government's anti-trust suit against the industry and it was urged that the suit be prosecuted. Another resolution extended thanks to U.S. Senator Neely for his work in behalf of his anti-block booking bill.

"Citadel" Grosses $58,000 at Capitol

First week receipts of "The Citadel" at the Capitol were reported at $58,000. It will be held for a second week. At the Music Hall, "The Young in Heart" grossed an estimated $82,000 and will also be held over, with "60 Glorious Years" will follow.

"Ballerina," a French production with English titles, will open Monday at the Little Carnegie Playhouse.

4 A Delays Reorganizing

Consideration of reorganization plans by the international board of the Associated Actors and Artistes of America was deferred yesterday to await further data. Fact finding committees were appointed to consider technical difficulties which may arise. A report of the committees will be rendered at the next meeting of the board, tentatively set for Nov. 21, when some action is expected.

'My Heart" Up With $9,000; San Francisco

San Francisco, Nov. 9.—"There ioes My Heart" got off to a flying tart at the United Artists with a ross of $9,000.

Another first run to make a strong ent in the general lull was "Men Vith Wings" which rolled up $21,800 t the Fox.

[illegible]he Sisters" and "Sharpshooters" [illegible] strong with $16,000 at the Warield. "That Certain Age," on a dual vith "Personal Secretary," held up to 11,500 in the second week.

Estimated takings for the week endng Nov. 1-4:

'Tenth Avenue Kid" (Republic)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 lays. Stage: vaudeville. Gross: $13,500. Average, $16,000)

'There Goes My Heart" (U.A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-5c-65c) 7 days. Gross: $9,000. (Average, 7,000)

'That Certain Age" (Univ.)
'Personal Secretary" (Univ.)
ORPHEUM—(2,440) (15c-35c-40c-55c) 7 lays, 2nd week. Gross: $11,500. (Average, 8,500)

'If I Were King" (Para.)
'Always in Trouble" (20th-Fox)
PARAMOUNT—(2,740) (15c-35c-40c-55c-5c) 7 days, 2nd week. Gross: $10,500. Average, $13,000)

'Men With Wings" (Para.)
FOX—(5,000) (15c-35c-40c-55c-75c) 7 days. Gross: $21,800. (Average, $17,000)

"Boys Town" (M-G-M)
"Vacation from Love" (M-G-M)
ST. FRANCIS—(1,400) (15c-35c-40c-55c-75c) 7 days, 5th week. Gross: $6,400. (Average, $7,000)

"The Sisters" (W.B.)
"Sharpshooters" (20th-Fox)
WARFIELD—(2,680) (15c-35c-40c-55c-75c) 7 days. Gross: $16,000. (Average, $13,000)

"A Greater Promise" (Amkino)
CLAY—(400) (15c-35c-40c) 7 days. Gross: $1,000. (Average, $1,300)

"Moonlight Sonata" (Malmar)
LARKIN—(390) (15c-35c-40c) 7 days, 2nd week. Gross: $1,150.

Best Cleveland Draw Is "Sisters," $6,000

Cleveland, Nov. 9.—"The Sisters," after a big week at Warners' Hippodrome, was moved to the Allen where it took $6,000.

"Suez" was big at the Hippodrome with $15,000, and was held.

"I Am the Law" did $7,500 at the RKO Palace, "Men With Wings" $11,500 at Loew's State and "If I Were King" had a take of $4,500 for the second week. The weather was good.

Estimated takings for the week ending Nov. 4:

"The Sisters" (W. B.)
ALLEN—(3,000) (30c-35c-42c) 7 days, 2nd week. Gross: $6,000. (Average, $4,000)
"Suez" (20th-Fox)
WARNERS' HIPPODROME — (3,800) (30c-35c-42c) 7 days. Gross: $15,000. (Average, $12,000)
"I Am the Law" (Col.)
RKO PALACE—(3,100) (30c-35c-42c) 7 days. Gross: $7,500. (Average, $8,000)
"Men With Wings" (Para.)
LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: $11,500. (Average, $13,000)
"If I Were King" (Para.)
LOEW'S STILLMAN—(1,900) (30c-35c-42c) 7 days, 2nd week. Gross: $4,500. (Average, $5,000)

Date Wisconsin Film Week

Madison, Wis., Nov. 9.—Gov. Philip F. LaFollette and Mayor James R. Law have proclaimed Nov. 13 to 19 as "Motion Picture Week." Special promotions are to be put on.

"Suez" at $18,000 Tops Philadelphia

Philadelphia, Nov. 9.—"Suez" rolled up a neat $18,000 in 10 days at the Stanley.

"The Citadel" was strong at the Boyd on a take of $17,500 for seven days. "Five of a Kind," with Henry Busse and his band heading a stage show, went into the profit column on a gross of $17,000, "You Can't Take It With You," as a second run at the Karlton, showed continued strength with $5,500.

Estimated takings for the week ending Nov. 4:

"There Goes My Heart" (U. A.)
ALDINE—(1,300) (40c-55c-65c-75c) 6 days, 2nd week. Gross: $5,000. (Average $8,160)

"Boys Town" (M-G-M)
(2nd run)
ARCADIA—(600) (25c-40c-55c) 7 days. Gross: $2,700. (Average, $2,800)

"The Citadel" (M-G-M)
BOYD—(2,400) (40c-55c-65c) 7 days. Gross: $17,500. (Average, $14,000)

"Five of a Kind" (20th-Fox)
EARLE—(2,000) (25c-40c-55c) 6 days. Stage: Henry Busse band, Ella Logan. Gross: $17,000. (Average, $14,000)

"Mad Miss Manton" (RKO)
FOX—(3,000) (40c-55c-65c-75c) 7 days. Gross: $10,000. (Average, $14,000)

"You Can't Take It With You" (Col.)
(2nd run)
KARLTON—(1,000) (25c-40c-55c) 7 days. Gross: $5,500. (Average, $4,000)

"Stablemates" (M-G-M)
(3rd run)
KEITH'S—(2,000) (25c-40c-55c) 7 days. Gross: $3,600. (Average, $4,000)

"Suez" (20th-Fox)
STANLEY—(3,700) (40c-55c-65c) 10 days. Gross: $18,000. (Average, 7 days, $14,000)
"Girls On Probation" (W. B.)
STANTON—(1,700) (25c-40c-55c) 7 days. Gross: $4,500. (Average, $7,000)

F.W.C. Buys U.A. Lineup

National Theatres (Fox West Coast) has bought the entire United Artists lineup for this season. Jack Schlaifer handled the U.A. end of the transaction, with Spyros Skouras heading the F.W.C. end with Bill Powers, Jack Sullivan and Edward Zobel.

Managers' School

Sydney, Oct. 21.—Norman B. Rydge, head of Greater Union Theatres, has established a school for theatre managers. Rydge contended that specialized knowledge is necessary in "engineering and bricklaying" and theatre management no less so.

"Take It" Strong In Fifth Week as Seattle First Run

Seattle, Nov. 9.—In its fifth week, "You Can't Take It With You" led the town, doing $7,200 at the Liberty. It was held. "Men With Wings" was strong, with $7,300 at the Fifth Avenue, and "That Certain Age" and "Campus Confessions" drew well at the Paramount with a take of $6,350. Weather was cool and rainy.

Estimated takings for the week ending Nov. 4:

"Boys Town" (M-G-M)
BLUE MOUSE—(950) (30c-40c-55c) 7 days, 5th week, extended run from Fifth Avenue. Gross: $3,450. (Average, $4,000)
"Men With Wings" (Para.)
FIFTH AVENUE—(2,500) (30c-40c-55c) 7 days. Gross: $7,300. (Average, $7,000)
"You Can't Take It With You" (Col.)
LIBERTY—(1,800) (20c-30c-40c-55c) 7 days, 5th week. Gross: $7,200. (Average, $5,000)
"The Arkansas Traveler" (Para.)
MUSIC BOX—(950) (30c-40c-55c) 7 days, 2nd week, extended run from Orpheum. Gross: $3,700. (Average, $4,000)
"The Mad Miss Manton" (RKO)
"Broadway Musketeers" (F. N.)
ORPHEUM—(2,450) (30c-40c) 7 days. Gross: $5,800. (Average, $6,000)
"The Higgins Family" (Rep.)
"In Old Mexico" (Para.)
PALOMAR—(1,500) (15c-25c-30c-40c) 7 days. Vaudeville headed by Andrini Brothers. Gross: $4,900. (Average, $5,000)
"That Certain Age" (Univ.)
"Campus Confessions" (Para.)
PARAMOUNT—(3,050) (30c-40c) 7 days, 2nd week. Gross: $6,350. (Average, $6,000)

U. S. Charges Contempt of Chicago Anti-Trust Decree

(*Continued from page 1*)

of the filing of the suit. An injunction was denied Oct. 20 by U. S. District Judge Wilkerson.

Several attempts have been made to settle the case. One of these was a demand for an elimination of duals which B. & K. refused. This was followed by negotiations for an adjustment of clearance. Gradwell L. Sears, Ned E. Depinet and William C. Gehring made up a distributors' committee which held a number of conferences with exhibitor leaders.

The litigation, which was ended on April 8, 1932, by the entry of a consent decree, extended over three years with the most impressive battery of legal talent assembled in an anti-trust suit up to that time. The decree was entered upon the stipulation that none of the defendants admitted guilt of the charges set forth in the petition.

Effect of the decree was limited to future activities in the Chicago area, but the meaning of the judgment was differently interpreted by the various parties to the suit. Counsel for the defendants maintained that the decree upheld the validity of block-booking, but the Department of Justice and the Allied States Association pointed out that block-booking was available to a company acting alone and that concerted action between companies was prohibited. Questions relating to arbitrary clearance, purchase of pictures in excess of normal requirements, and forcing of shorts were covered in the decree, but the defense maintained that lack of specific definitions deprived the decree of any significance, while the Department of Justice and Allied hailed the ruling as a "victory and a valuable precedent."

It was stated at the time that the defense agreed to the decree in order to save the expense of further litigation. It was pointed out that the decree did not prevent single action by any company and that any collusive action was barred under the Sherman Anti-Trust Law in any event.

"With Wings" Los Angeles Hit, $24,000

Los Angeles, Nov. 9.—"Men With Wings" was a smash hit at the Paramount. It rolled up $24,000 and was held.

This was the only important gross of the week. "Drums" was slightly over par with $3,396 in its fifth week at the 4-Star and "Hard to Get," with "Gangster's Boy," went into the profit column with $13,500 at Warners' Downtown, but elsewhere business was off.

Estimated takings for the week ending Nov. 9:

"Just Around the Corner" (20th-Fox)
"Road Demon" (20th-Fox)
CHINESE—(2,500) (30c-75c) 7 days. Gross: $6,636. (Average, $12,500)
"Drums" (U.A.)
4 STAR—(900) (40c-55c) 6 days, 5th week. Gross: $3,396. (Average, $3,250)
"You Can't Take It With You" (Col.)
HILLSTREET—(2,700) (30c-65c) 5 days, 6th week. Gross: $6,000. (Average, 6,500)
"Just Around the Corner" (20th-Fox)
"Road Demon" (20th-Fox)
LOEW'S STATE—(2,500) (30c-75c) 7 days. Gross: $9,007. (Average, $14,000)
"You Can't Take It With You" (Col.)
PANTAGES—(3,000) (30c-65c) 5 days, 6th week. Gross: $4,500. (Average, $7,000)
"Men With Wings" (Para.)
PARAMOUNT—(3,595) (30c-65c) 7 days. Stage: revue, Rube Wolf and his orchestra. Gross: $24,000. (Average, $18,000)
"Hard to Get" (W.B.)
"Gangster's Boy" (Monogram)
WARNER BROS. (HOLLYWOOD)—(3,000) (30c-65c) 7 days. Gross: $13,000. (Average, $14,000)
"Hard to Get" (W.B.)
"Gangster's Boy" (Monogram)
WARNER BROS. (DOWNTOWN)—(3,400) (30c-65c) 7 days. Gross: $13,500. (Average, $12,000)

"Citadel" $14,200 Grosser at Buffalo

Buffalo, Nov. 9.—"Citadel" got off to a fast start at the Buffalo on a gross of $14,200.

"Men with Wings" also was strong with $10,700 and was held over at the Great Lakes. "That Certain Age" took a strong $9,300 in its second week at the Lafayette.

Estimated takings for the week ending Nov. 5:

"The Citadel" (M-G-M)
BUFFALO—(3,000) (30c-55c) 7 days. Gross: $14,200. (Average, $12,000)
"Men With Wings" (Para.)
GREAT LAKES—(3,000) (30c-50c) 7 days. (Held over.) Gross $10,700. (Average, $7,500)
"Five of a Kind" (20th-Fox)
"Vacation from Love" (20th-Fox)
HIPPODROME—(2,500) (25c-40c) 7 days. Gross: $6,000. (Average, $6,800)
"Mr. Doodle Kicks Off" (RKO)
"A Man to Remember" (RKO)
CENTURY—(3,000) (25c) 7 days. Gross: $6,200. (Average, $6,000)
"That Certain Age" (Univ.)
LAFAYETTE—(3,300) (25c) 7 days, 2nd week. Gross: $9,300. (Average, $6,300)

State-Lake Transfer Details Agreed Upon

Chicago, Nov. 9.—Balaban & Katz and Jones, Linick & Schaefer today reached an agreement on transfer of the State-Lake to the latter Nov. 18. The house will be closed at that time for remodeling and will reopen Christmas day with a combination stage and screen policy.

J. L. & S. will reopen the Oriental Nov. 18.

'Sisters' Tops Chicago Gross With $36,000

CHICAGO, Nov. 9.—"The Sisters," with $36,000 at the Chicago, was the high spot in a week of fair business. Numerous holdover films held the total Loop gross down.

"You Can't Take It With You," back in the Loop, this time at the Garrick, did a good $7,000. The weather was fair and warm most of the week.

Estimated takings for the week ending Nov. 1-4:

"Drums" (U. A.)
APOLLO—(1,400) (35c-55c-65c) 7 days, 2nd week. **Gross:** $5,400. (Average, $6,500)

"The Sisters" (W. B.)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Orrin Tucker & Band. Gross: $36,000. (Average, $32,000)

"That Certain Age" (Univ.)
PALACE—(2,500) (35c-55c-75c) 7 days, 3rd week. Stage: Chester Hale Girls and Revue. Gross: $15,000. (Average, $19,000)

"Speed to Burn" (20th-Fox)
STATE-LAKE—(2,776) (20c-30c-40c) 7 days. Stage: Verne Buck and Revue. Gross: $11,000. (Average, $13,000)

"You Can't Take It With You" (Col.)
GARRICK—(900) (30c-50c-50c) 7 days. Gross: $7,000. (Average, $6,500)

"Too Hot to Handle" (M-G-M)
ROOSEVELT—(1,300) (35c-55c-75c) 7 days, 2nd week. Gross: $11,300. (Average, $11,000)

"Boys Town" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days, 4th week. Gross: $10,600. (Average, $15,000)

"Suez" Is $30,000 Leader at Detroit

DETROIT, Nov. 9.—"Suez," with a stage show, packed the Fox all week and grossed $30,000.

"Men With Wings" and "Garden of the Moon" gave the Michigan a nice $10,000. The Adams, taking over "Carefree" for a second run and adding "Mr. Doodle Kicks Off" for a dual bill, took $4,300.

Estimated takings for the week ending Nov. 4:

"Carefree" (RKO)
"Mr. Doodle Kicks Off" (RKO)
ADAMS—(1,700) (15c-40c) 7 days. Gross: $4,300. (Average, $5,000)

"Suez" (20th-Fox)
FOX—(5,000) (15c-65c-7 days. Stage: Gil Lamb, Rex, Roper and Masie. Sallie Joe Nelson and Jean Mona. Gross: $30,000. (Average, $20,000)

"Men With Wings" (Para.)
"Garden of the Moon" (F. N.)
MICHIGAN—(4,000) (15c-65c) 7 days. Gross: $10,000. (Average, $10,000)

"Valley of the Giants" (W. B.)
"10th Avenue Kid" (Republic)
PALMS-STATE—(3,000) (15c-50c) 7 days. Gross: $4,700. (Average, $5,000)

"Citadel" (M-G-M)
UNITED ARTISTS—(2,000) (15c-50c) 7 days. Gross: $7,500. (Average, $10,000)

Bourgeois Joins G. N.

KANSAS CITY, Nov. 9.—O. K. Bourgeois of Atlantic Pictures has been named traveling auditor for Grand National and will work with J. A. A. Smith, auditor for this division, until assigned.

Midwest Opens at K. C.

KANSAS CITY, Nov. 9.—Fox Midwest Theatres, Inc., has reopened the State at Topeka, Kan., closed for years, with Chuck Lindquist in charge.

Hollywood Previews

"Thanks for the Memory"

(Paramount)

HOLLYWOOD, Nov. 9.—With this appearance, Bob Hope, one-time vaudevillian, m.c. and general handy man of entertainment, glides into the front rank of motion picture comedians. He compares most directly, in screen manner, to Jack Benny, and he has, in this appearance, the cooperation of Benny's radio valet, Rochester (otherwise Eddie Anderson), as well as that of Charles Butterworth, Ed Gargan and Roscoe Karns. The measure of Hope's ability is his easy supremacy over these able comedians in the laugh-producing department, which is plenty. Now would be a good time to break out the seven broad-gauge marquee letters it takes to tell the public Hope has arrived.

He plays opposite Shirley Ross, who sang with him in "The Big Broadcast of 1938." The picture is a modern version of the Albert Hackett-Frances Goodrich play, "Up Pops the Devil," refurbished by Lynn Starling, screen playwright. Otto Kruger is the very gentlemanly romantic threat this time, Patricia Wilder is the very ingenuous fourth side of the quadrangle, while Hedda Hopper, Laura Hope Crews, Emma Dunn and William Collier, Sr., perform other assignments admirably.

George Archainbaud directed. Mel Shauer was associate producer, and the single song, sung by Hope and Miss Ross in the casual manner of their "Thanks for the Memory," which they also go back to briefly here, is "Two Sleepy People" by Hoagy Carmichael and Frank Loesser.

The story, it may be recalled, is about a young novelist who takes on the household duties by way of getting time to do his writing, his wife working the while, and this unnatural division of labor resulting in a rift ultimately closed by imminence of a blessed event. The treatment is for laughs throughout and Hope had a Hollywood preview audience holding its sides a great deal of the time.

Running time, 77 minutes. "G."* ROSCOE WILLIAMS.

"The Headleys at Home"

(Standard Pictures)

HOLLYWOOD, Nov. 9.—"The Headleys at Home," Standard Pictures initial production, is a mixture of domestic comedy and crime melodrama. Offering Evelyn Venable, Grant Mitchell, Vince Barnett, Benny Rubin, Louise Beavers, Kenneth Harlan, Edward Earle and Robert Whitney, who was in the first two of the "Judge Hardy" series, as its leading name values, the show also features Betty Roadman and five-year-old Alicia Adams.

The story, which was adapted from the play, "Among Those Present," by Garrington North and William Miles, its authors, and Nicholas Bela, was produced by B. W. Richards and directed by Chris Beute.

Specialty comedy featuring Rubin and Barnett, plus a fair amount of action, accentuate the amusement provided by the Headleys. Miss Roadman, wife of Mitchell, a small town banker, has social ambitions. Learning that a famous financier, Earle, is coming to town, she invites everybody to a reception for the man who was her husband's college classmate. Complications arise, however, and after Mitchell's bank has been held up, Whitney, boy friend of Evelyn Venable, arranges with the crook, Harlan, to impersonate Earle. Mitchell, in a dither, identifies Harlan as the robber. Thereupon ensues sequences which break up the reception and lead to Harlan's capture just as the real chum arrives.

Running time, 60 minutes. "G."* G. McC.

"G" denotes general audience classification.

"Prison Train"

(Equity)

HOLLYWOOD, Nov. 9.—Melodrama and grim humor aboard a railroad car transporting convicts to Alcatraz are the entertainment and commercial substance of "Prison Train."

Convicted for the murder of James Blakely, policy racketeer, Fred Keating is verbally derided and abused by his fellow prisoners. Alexander Leftwich, the boy's father, plots vengeance upon him. Suspense and rough comedy, through which is woven a thread of romance involving Keating's sister, Linda Winters, and Val Stanton, Federal officer in charge of the convicts, carry the theme until Leftwich's mob captures the train. Keating visions an escape only to be mowed down by Leftwich, who himself is killed.

"Prison Train" is the first production for newly formed Equity Pictures. It was based on a story by Matthew Borden which Spencer Towne adapted and Gordon Wiles directed.

Lacking in outstanding screen names, the film presents several well known performers who turn in creditable performances.

Running time, 65 minutes. "A."* G. McC.

"A" denotes adult classification.

"Can't Take" Boston's Best With $22,000

BOSTON, Nov. 9.—"You Can't Take It With You" and "Men With Wings" vied for top honors. "You Can't Take It With You," paired with "Vacation From Love" at the State and Orpheum, drew $16,000 and $20,000 respectively. "Men With Wings," with "Road Demon" at the Metropolitan, took $20,000.

"If I Were King," playing with "Mysterious Mr. Moto" at the Paramount and Fenway, was strong with respective figures of $11,000 and $7,000.

Estimated takings for the week ending Nov. 5:

"If I Were King" (Para.)
"Mysterious Mr. Moto" (20th-Fox)
FENWAY—(1,382) (25c-35c-40c-55c) 7 days. Gross: $7,000. (Average, $4,500)

"You Can't Take It With You" (Col.)
"Vacation From Love" (M-G-M)
LOEW'S ORPHEUM—(2,907) (25c-35c-40c-55c) 7 days. Gross: $22,000. (Average, $12,000)

"You Can't Take It With You" (Col.)
"Vacation From Love" (M-G-M)
LOEW'S STATE—(3,537) (25c-30c-40c-55c) 7 days. **Gross:** $16,000. (Average: $11,000)

"Men With Wings" (Para.)
"Road Demon" (20th-Fox)
METROPOLITAN—(4,332) (25c-35c-40c-55c) 7 days. Gross: $20,000. (Average. $11,000)

"If I Were King" (Para.)
"Mysterious Mr. Moto" (20th-Fox)
PARAMOUNT—(1,790) (25c-35c-40c-55c) 7 days. Gross: $11,000. (Average, $9,000)

"That Certain Age" (Univ.)
"Mr. Doodle Kicks Off" (RKO))
RKO MEMORIAL—(2,970) (25c-35c-40c-55c) 7 days. Gross: $10,000. (Average, $13,000)

Horror Dual Smash Hit at New Haven

NEW HAVEN, Nov. 9.—"Frankenstein" and "Dracula" attracted enough patrons to the College to almost double the usual seven-day business in six; the gross was $4,600.

At the Roger Sherman "The Sisters" and "Mr. Chump" took $7,500. "Suez" and "Keep Smiling" grossed $9,100 and the bill was moved to the College for a second week. "Arkansas Traveler" and "Sons of the Legion" stayed nine days at the Paramount and grossed $4,800.

Estimated takings for the week ending Nov. 4:

"Dracula" (Univ.)
"Frankenstein" (Univ.)
COLLEGE—(1,499) (25c-35c) 6 days. Gross: $4,600. (Average, $2,500)

"Suez" (20th-Fox)
"Keep Smiling" (20th-Fox)
LOEW-POLI—(3,040) (35c-50c) 7 days. Gross: $9,100. (Average, $8,000)

"Arkansas Traveler" (Para.)
"Sons of the Legion" (Para.)
PARAMOUNT—(2,348) (35c-50c) 9 days. Gross: $4,800. (Average, $4,400)

"The Sisters" (W. B.)
"Mr. Chump" (W. B.)
ROGER SHERMAN—(2,200) (35c-50c) 7 days. Gross: $7,500. (Average, $4,700)

Danz Raises His Scales

SEATTLE, Nov. 9.—Evening admission prices at John Danz' Palomar have been boosted from 30 cents to 40 cents top, with resultant added grosses. Bargain matinee prices of 15 and 25 cents still prevail. The house continues its policy of two first run features and five acts of vaudeville.

"Citadel" Leads Cincinnati Takes

Cincinnati, Nov. 9.—"The Citadel," with $13,500 at the RKO Albee, was high for the week. It was shifted to the RKO Capitol.

"Arkansas Traveler" brought the RKO Palace $10,500, and went to the RKO Lyric. "Boys Town" was good for $3,000 on its third downtown stanza at the RKO Grand, and "Stablemates" gave the RKO Capitol $6,000 on a second downtown run. It continues at the RKO Grand.

Estimated takings for the week ending Nov. 3:

"The Citadel" (M-G-M)
RKO ALBEE—(3,300) (35c-42c) 7 days. Gross: $13,500. (Average, $12,000) Moved to RKO Capitol.
"Arkansas Traveler" (Para.)
RKO PALACE—(2,700) (35c-42c) 7 days. Gross: $10,500. (Average, $10,000) Moved to RKO Lyric.
"You Can't Take It With You" (Col.)
RKO SHUBERT—(2,150) (35c-40c-55c) 7 days, 5th week. Gross: $5,200. (Average, $12,000)
"Stablemates" (M-G-M)
RKO CAPITOL—(2,000) (35c-42c) 7 days, 2nd downtown week. Gross: $6,000. (Average, $6,500)
"King of Alcatraz" (Para.)
"Freshman Year" (Univ.)
RKO LYRIC—(1,400) (35c-42c) 7 days. Gross: $2,900. (Average, $6,500)
"Boys Town" (M-G-M)
RKO GRAND—(1,200) (25c-40c) 7 days, 3rd downtown week. Gross: $3,200. (Average, $2,750)
"Wanted By Police" (Monogram)
(2 days)
"Under Western Stars" (Republic)
(2 days)
"Fugitive For a Night" (RKO)
(3 days)
RKO FAMILY—(1,000) (15c-25c). Gross: $2,100. (Average, $2,450)
"The Sisters" (W. B.)
KEITH'S—(1,500) (30c-40c) 7 days, 2nd downtown week. Gross: $5,200. (Average, $6,500)

"Hard to Get" Is Pittsburgh Draw

Pittsburgh, Nov. 9.—"Hard to Get," with Freddie Bartholomew heading a stage show at the Stanley, made the best showing in town last week—$18,500.

Grosses were off all along the line because of the Pitt-Fordham game which pulled away weekend business. "Sing You Sinners" took $11,700 at the Penn, and "That Certain Age," in a second week, held up to $6,800 at the Alvin.

Estimated takings for the week ending Nov. 3:

"That Certain Age" (Univ.)
ALVIN—(1,800) (25c-50c) 7 days, 2nd week. Gross: $6,800. (Average, $6,500)
"Men Are Such Fools" (W. B.)
"Smashing the Rackets" (RKO)
FULTON—(1,700) (25c-40c) 7 days. Gross: $3,900. (Average, $4,500)
"Sing You Sinners" (Para.)
PENN—(3,300) (25c-50c) 7 days. Gross: $11,700. (Average, $11,000)
"Hard To Get" (W. B.)
STANLEY—(3,600) (25c-60c) 7 days. Stage: Freddie Bartholomew, Boy Foy, Toy and Wing, Cass, Owen and Topsy, Texas Jim Lewis and his Lone Star Cowboys, Dave Broudy's orchestra. Gross: $18,500. (Average, $18,000)
"Affairs of Annabel" (RKO)
"King of Alcatraz" (Para.)
WARNER—(2,000) (25c-40c) 7 days. Gross: $4,700. (Average, $5,000)

Rosener Buys K. C. House

Kansas City, Nov. 9.—W. D. Fulton has sold the Vogue, suburban house here, to Herbert Rosener, who will show foreign pictures. Rosener operates foreign film houses on the Coast. Roland Lloyd will manage the Vogue.

"Certain Age" Twin Cities' Best Grosser

Minneapolis, Nov. 9.—Best business-getter of the week was "That Certain Age" at the Orpheum, which was good for $10,200.

"Men With Wings" was second at the State with $8,000. Gratifying to the Minnesota Amusement Co. was the opening of its new Gopher on the site of the old Grand. With a 25-cent any-seat, any-time policy and showing "Gateway," this house grossed $4,300.

In St. Paul "That Certain Age" again led the procession with $6,000. "Arkansas Traveler" at the Orpheum took $2,500.

Estimated takings for the week ending Nov. 3:

Minneapolis:

"Affairs of Annabel" (RKO)
"Mysterious Mr. Moto" (20th-Fox)
"Renegade Ranger" (RKO)
"Flight from Fame" (Col.)
ASTER—(900) (15c-25c) "Affairs," "Moto," 4 days; "Ranger," "Flight," 3 days. Gross: $1,400. (Average, $1,500)
"Four Daughters" (F. N.)
CENTURY—(1,600) (25c-40c) 7 days, 2nd week. Gross: $4,500. (Average, $4,000)
"Gateway" (20th-Fox)
GOPHER—(1,000) (25c) 7 days. Gross: $4,300. Opening week of new theatre.
"That Certain Age" (Univ.)
ORPHEUM—(2,900) (25c-40c) 7 days. Gross: $10,200. (Average, $4,800)
"Men With Wings" (Para.)
STATE—(2,300) (25c-40c) 7 days. Gross: $8,000. (Average, $4,400)
"Drums" (U. A.)
WORLD—(400) (25c-55c) 7 days, 3rd week. Gross: $1,400. (Average, $1,600)

St. Paul:

"Arkansas Traveler" (Para.)
ORPHEUM—(2,000) (25c-40c) 7 days. Gross: $2,500. (Average, $3,200)
"That Certain Age" (Univ.)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: $6,000. (Average, $4,400)
"Sons of the Legion" (Para.)
RIVIERA—(1,000) (25c) 7 days. Gross: $900. (Average, $2,400)
"Mr. Doodle Kicks Off" (RKO)
"Girls On Probation" (F. N.)
TOWER—(1,000) (25c) 7 days. Gross: $1,200. (Average, $1,600)
"South Riding" (U. A.)
"To the Victor" (G. B.)
WORLD—(400) (25c-35c) "Riding" 5 days. "Victor" 2 days. Gross: $800. (Average, $700)

"Suez" at $7,000 Indianapolis High

Indianapolis, Nov. 9.—"Suez" and "Brother Rat" were the only overpar grossers here. "Suez" gave the Indiana $7,000, and was moved to the Apollo for a second week. Vaudeville Vanities on the stage with "Brother Rat" at the Lyric drew $9,200. Weather was mild.

Estimated takings for the week ending Nov. 3-4:

"The Sisters" (W. B.)
"The Affairs of Annabel" (RKO)
APOLLO—(1,100) (25c-40c) 7 days, 2nd week. Gross: $1,800. (Average, $3,000)
"The Mad Miss Manton" (RKO)
"Five of a Kind" (20th-Fox)
CIRCLE—(2,800) (25c-40c) 7 days. Gross: $4,500. (Average, $4,500)
"Suez" (20th-Fox)
INDIANA—(3,200) (25c-40c) 7 days. Gross: $7,000. (Average, $5,000)
"The Citadel" (M-G-M)
"Girls' School" (Col.)
LOEW'S—(2,800) (25c-40c) 7 days. Gross: $6,500. (Average, $7,000)
"Brother Rat" (W. B.)
LYRIC—(2,000) (25c-40c) 7 days. Stage: Vaudeville Vanities, with the Three Swifts, Frank Gayne, Maurice & Betty Whelan, 12 Dorothy Byton girls. Gross: $9,200. (Average, $8,000)

There is Only One

"NIGHT OF STARS"

The Show of the Year

WEDNESDAY EVENING
NOVEMBER 16th
MADISON SQUARE GARDEN

Representing the Contribution of Every Branch of the Amusement Industry to a Great Humanitarian Cause

Featuring in Person

The Foremost Celebrities of Stage, Screen, Radio and Opera

HEADED BY

Eddie Cantor, Walter Huston, Raymond Massey, Irving Berlin, Al Jolson, George Jessel, Hugh Herbert, Lillian Gish, Glenda Farrell, Kitty Carlisle, Lou Holtz, Ben Bernie

LOUIS K. SIDNEY, Chairman, Producing Committee

BEN A. BOYAR, Associate Chairman

Proceeds for Settlement in Palestine of Jews of Germany, Czechoslovakia and Other Lands

Reserved Seats Now on Sale at 111 Fifth Avenue
Leblang-Gray's Ticket Agency and Box Office

Radio's Election Coverage Is Tops; WNYC a Standout

Most of the local stations and the chains remained on the air until long past their usual closing time Tuesday, covering the elections. CBS and NBC stood by until 3 A. M., Mutual kept open until 4 A. M., WHN until 2 A. M., WMCA until 2 A. M. Usual closing time for those outfits is from 1 to 1:30 A. M. WINS and WNYC, part-time stations, taking advantage of the F. C. C. permission to stay on the air indefinitely, kept their transmitters open until midnight and 2:15 A. M., respectively, WNEW as usual was on the air throughout the night.

Every station offered a running account of the returns as they came in over the Press Radio and Transradio services, but New York's municipal station, WNYC, topped them. The other stations filled in with commercials and music between election broadcasts, but WNYC devoted its efforts from about 6 P. M. until it closed exclusively to the election, with a continual stream of bulletins, returns, commentaries, news and analyses of the returns, so that those who listened to WNYC were provided with an uninterrupted flow of election news and reports.

Kaltenborn, Trout on CBS

Burden of the election coverage at CBS was carried by H. V. Kaltenborn and Bob Trout. NBC engaged Raymond Clapper, UP political writer, especially for the election. Mutual also brought a Washington importation into New York for the election broadcasts, Fulton Lewis. John B. Kennedy and Dave Driscoll rounded out the Mutual staff. WHN had George Combs, former Congressman and now a commentator. Phelps Phelps was the WINS mainstay, with commentators Don Dumphy, Louis Tappe and Roslind Sherman assisting. WMCA used Leon Goldstein, Barton Fellowes, Abe Redelheim, Frankie Basch, Martin Starr, Howard Doyle and Joe O'Brien. WNEW's election staff comprised Richard Brooks, Douglas Arthur, Bruce Wendell, Morris Mogelever, Hal Moore, George Hogan and Bud Rice, with Larry Nixon supervising.

WNYC's standout election job was provided by Dr. Seymour Siegel, in charge of coordination, Prof. Roy Peel and David Lazar of the Department of Government, NYU, who interpreted the returns; M. S. Novick, Ted Cott, Bob Miller, Herb Stone, N. Berlin, Russ Johns, George Ward, Anthony Marvin and Richard Pack.

To Change 'Pick and Pat'

The "Pick and Pat" program sponsored by U. S. Tobacco Co. and CBS, will undergo talent changes and a change in program title with the program of Nov. 28. On that date Ray Block's orchestra and the Eton Boys will join the show, replacing Benny Kreuger's band and Ed Roecker. From then on the program will be billed as "Model Minstrels."

Katz Agent for WIRE

The Joseph Katz agency, special representatives, has been appointed the agency for WIRE, Indianapolis.

McCarthy Heads List

New C. E. Hooper radio report, covering daytime and evening network programs, places the Chase & Sanborn hour, starring Bergen and McCarthy, at the top of the list. The figure shows the program to have an audience of 33.5 per cent of total sets in cities of more than 250,000 population, and 29.5 per cent of total sets in cities from 25,000 to 100,000.

Last year at this time the Chase & Sanborn program had a smaller rating in large cities. The comparable 1937 Hooper report shows the program then had a rating of 27 per cent of total sets in large cities.

Among the weekday script shows, Procter & Gamble drew top honors with the programs, "The O'Neill's" and "Ma Perkins." In large cities the former show had an audience of 7.8 per cent of total sets, and the latter had an audience of 8.9 per cent.

Lee Says Television In East Is Problem

Hollywood, Nov. 9.—Eastern television engineers are encountering the same difficulties that are being met here, declared Thomas S. Lee, president and owner of the Don Lee Broadcasting System. Lee returned today from an eastern tour during which he made a study of television for the benefit of his station, W6XAO, which televises programs nightly.

Lee said he had held conferences with Bell engineers on the station which he proposes to build in San Francisco. He predicted the first success with the art would be in the comparatively open southern California terrain.

McNinch, Miller to Address NAB Parley

Frank R. McNinch, chairman of the Federal Communications Commission, and Neville Miller, president of the National Association of Broadcasters, will attend a district meeting of the N.A.B. in White Sulphur Springs on Nov. 19, with their addresses to be broadcast over a coast-to-coast CBS hookup. The broadcast will be heard from 9 to 9:30 P.M.

Their talks, it is understood, will concentrate on national phases of radio.

Somerville Joins CBS

Bob Somerville, formerly sales manager of the New York office of Joseph Hershey McGilvra Co., station representatives, has joined the sales staff of Radio Sales, Inc., sales division for CBS owned and operated stations.

Shouse Stays with WLW

Cincinnati, Nov. 9.—Contract of James D. Shouse, vice-president and general manager, Crosley Corp., in charge of broadcasting, has been renewed. Shouse came here a year ago from KNOX, St. Louis, where he was general manager.

To Call NBC First In Monopoly Probe

Washington, Nov. 9.—Representatives of NBC will be the first witnesses in the hearings on chain broadcasting and monopoly which open Monday before the Federal Communications Commission, Chairman Frank R. McNinch said today.

The NBC executives will be followed by representatives of CBS and then by officials of Mutual, it was said.

All witnesses will be given specific dates on which they will be heard and will not be required to be present at the hearing other times. Hearings will be held only from Tuesday to Friday, inclusive, in order that there may be no interference with the regular commission meetings.

Indicating that the hearings are expected to run over a period of several months, McNinch said that they would be recessed from Nov. 23 to Nov. 29 for the Thanksgiving holiday, and from Dec. 23 to Jan. 4 for the Christmas holiday.

Devaney New Head of Canada Conciliation

Toronto, Nov. 9.—L. M. Devaney, general manager of Radio Pictures of Canada, Ltd., has been appointed chairman for 1939 of the new conciliation committee elected by the Film Section of the Toronto Board of Trade.

The members are: Herbert Allen of Premier Theatres; Sam Fine of B. & F. Theatres, Ltd.; H. Freedman, past president of the Independent Theatres Ass'n.; N. A. Taylor, past president of the board's film section; Louis Rosenfeld, Columbia; J. J. Fitzgibbons and B. Geldsaler, F.P. Canadian; J. P. O'Loghlin, 20th Century-Fox; T. J. Bragg, president of the film section; O. R. Hanson, Hanson Theatres Corp., and Col. John A. Cooper, president of the distributors association.

Louis Rosenfeld, general manager of Columbia, has been appointed chairman of the clearance committee.

Beal Wins Davis Award

Pittsburgh, Nov. 9.—The 1938 H. P. Davis memorial award for announcers, which carries with it $150 in cash and a gold medal, has been given this year to Bill Beal of KDKA. Beal is no longer an announcer, however, having joined the continuity department several weeks ago.

Seek New Site for KQW

San Francisco, Nov. 9.—Field tests in various parts of the Santa Clara Valley are being conducted by KQW's staff engineers, in a search for the best location for the new station's new 5,000-watt transmitter. KQW is an outlet of the Mutual-Don Lee System.

Revive WLW 'Who's Who'

Cincinnati, Nov. 9.—"Who's Who at WLW," originally inaugurated by the press department four years ago to acquaint listeners with those providing entertainment, has been reinstated under the title of "Let's Get Acquainted." Gene Trace is the announcer, and the program goes on Saturdays, 7:45 to 8 P. M., E. S. T.

▸ *Radio Personals* ◂

GEORGE B. McCOY no longer is associated with Fred Coll and is now free-lancing . . . Luise Rainer will do "Tovarich" on "Hollywood Hotel" next Friday . . . Frank Novak's band entertained at a luncheon given by Chevrolet executives yesterday.

+

Leslie Howard, who arrives on the *Normandie,* was booked for a [illegible] appearance on Eddie Cantor's show Monday night via a shore-to-ship call from the comedian. . . . The first radio broadcast to come from a film house occurred 16 years ago Nov. 20, with Major Bowes in charge of the broadcast, and so the Major will celebrate his 16th anniversary in radio on that date. . . . Doris Rhodes, the CBS singer, and Jonie Tapps, her music publisher husband, flew to Philadelphia last night on a business deal. . . . The Fields Sisters of Mutual's "Musical Steelmakers" program, have been hired by Horace Heidt as replacements for the King Sisters. They join the Brigadiers in Philadelphia this week.

+

Pittsburgh

Jerry Mayhall, who has been on the WJAS amateur hour for the last three years, has just sold three original compositions to the Philadelphia Civic Ballet. . . . Hilda Daniels is the latest addition to WCAE's continuity department. . . . Bunny Broun, the band leader, has just become a father. . . . Sid Dickler has reorganized his dance band and is now on WWSW again. . . . Bob McKee has been named chief announcer at WCAE, a post that has been vacant since Cliff Daniel became program director several months ago. . . . Leola Frazier, formerly of the KDKA artists staff, has joined Al Fremont's band as featured vocalist.

Omaha World-Herald Takes Station WAAW

Omaha, Nov. 9.—WAAW has been acquired by the *World-Herald* at a reported price of $50,000. The paper tried to acquire the station in 1935. The transaction is subject to the approval of the F.C.C.

The station has been owned by the Omaha Grain Exchange since its start in 1922.

Omaha Post Air Column

Omaha, Nov. 9.—*Omaha Post,* new tabloid, has a radio column conducted by Byron Reed. *Omaha World-Herald,* opposition paper, dropped its radio column over a year ago but is still running program schedules.

Guest at AFRA Ball

Chicago, Nov. 9.—Edgar Guest will be master of ceremonies at the first annual ball of the Chicago chapter of the American Federation of Radio Artists to be held Nov. 11.

Ramsey KOMA Manager

Oklahoma City, Nov. 9.—Raymond Ramsey has been appointed manager of KOMA, succeeding Neal Barrett, who resigned to become vice-president of the Texas State Network.

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 44. NO. 94 NEW YORK, FRIDAY, NOVEMBER 11, 1938 TEN CENTS

Commercials Are Used on Auto Telecast

Elaborate Program Seen By Motor Heads

First experimental television broadcast of an automobile show was put on the air yesterday afternoon by RCA-NBC, with leading executives of automobile companies and advertising agencies present.

The program was complete even to commercial announcements, the first time commercials ever have been broadcast in connection with a televised offering.

Additional developments in radio yesterday on page 4.

The show started at 3 P. M. with seven popular makes of cars participating. The cars were stationed in the street in Rockefeller Plaza, their arrival picked up through the RCA-NBC television system and broadcast to the gathering of automobile and agency officials in the television studio in the RCA Building. The automobiles which were televised,

(*Continued on page* 4)

Silverstone Soon to Depart for London

Murray Silverstone, operating head of United Artists, may sail for London soon. He may make his departure early in December, and stay abroad for about a fortnight, on company business. This will have been the second journey abroad for Silverstone since he assumed the chief reins of U.A.

It goes without comment that Silverstone will confer in London with Alexander Korda, head of London Films, and one of the principal shareholders in United Artists, and will make a general survey of U.A. business abroad.

Lion to Distribute Republic in England

Agreement has been reached on a new long term pact for distribution of Republic's product in the United Kingdom by British Lion. Sam Smith, executive of the British company, who has been conferring with H. J. Yates and Morris Goodman, Republic foreign head, plans to sail on the *Normandie* tomorrow.

Judgment Is Reserved in Trust Action

Defense Counsel Attack U. S. Complaint

Characterized as a "hodge podge" and a mass of "ambiguities," the Government's complaint in the anti-trust suit was subjected to its first court attack by the defendants before Federal Judge William Bondy in the U. S. District Court here yesterday. Although United Artists was the only defendant to ask that specific portions of the complaint be stricken out, all counsel joined in the attack.

Judge Bondy reserved decision on all motions, including the request for 60 days' additional time to answer after the bill is served and allowed one week for briefs. Special Assistant Attorney General Paul Williams did not oppose the request but pointed out that he felt that anti-trust cases should he brought to trial as soon as possible and that 60 days was too long. Judge Bondy remarked that the additional

(*Continued on page* 2)

GN-Maxwell Deal Runs for 5 Years

Grand National's British distribution deal with John Maxwell's Associated British Pictures Corp. is for five years. If approved by the Grand National board of directors, the deal would become effective immediately for all of the current season lineup, starting with "Shadows Over Shanghai."

The meeting of the Grand National board scheduled for yesterday, which was to have received a report on the deal, was postponed until next week.

Await Trade Treaty

Toronto, Nov. 10. — Film distributing companies in Canada have held off buying of equipment and accessories from the United States, awaiting the expected benefits in the way of reduced tariff and excise taxation under the new U. S.-Canada trade agreement, but is a long time being signed by the respective countries and there is no indication as to when treaty will be signed.

MPTOA Demands Program Effective Upon Completion

M.P.T.O.A. will insist that the impending trade practice program for self-regulation of exhibition and distribution be made effective immediately on completion.

Some members of the latter committee have advocated making the trade practice program effective next season in order not to complicate existing contracts.

Kuykendall's committee will reconvene here next Tuesday or Wednesday for final session with Sidney R. Kent and other members of the distributors' negotiating committee. Indications are that phraseology of the program will be agreed on at that time. Ed Kuykendall, M.P.T.O.A. chief, pointed out that if full agreement with the distributors cannot be reached at once, all parts of the program which have been settled should be made effective immediately and the remainder left to future negotiation.

Final meetings between the distributors' committee, the unaffiliated exhibitors and Allied States may be held next week, also.

English Committee to Study Film Decrease Under Quota

London, Nov. 10.—New Home Office Advisory Committee on films will hold its initial meeting Nov. 30, and it is unofficially understood it will consider the decrease in domestic production and lower quota cost films.

It is reported producers have indicated to the board that in six months of the new quota act less than 50 films have been made, with a probable total for the year of less than 100, indicating a 50 per cent decrease. Contention is that the decrease is the result of the triple quota provision, whereby a film costing a certain amount is permitted to count for three films under the quota.

The condition in production is considered grave. Likewise brought to the attention of the committee, it is understood, was the decrease in "B" film production, and the shrinkage in the importation of American "B" product.

Annual Film Drive Is Seen As Certainty

George J. Schaefer Tells Ampa of Campaign

That the Motion Pictures' Greatest Year drive will be continued, on a permanent basis, seems assured. This was the essence of an address by George J. Schaefer, head of RKO, and general chairman of the industry's campaign, made at the Ampa luncheon at the Astor yesterday. Schaefer was chief guest at the bi-weekly function.

This means that the industry can look ahead to an annual drive, which apparently will be conducted by a permanent organization to be set up for that purpose, under direction of a paid head. The Ampa luncheon was one of the best attended held by the organization, with about 160 persons present.

Next year is the golden jubilee of the industry, and this thought may be wrapped around the contemplated new drive.

Schaefer paid tribute to the men

(*Continued on page* 2)

Court Asks B&K to Produce Contracts

Chicago, Nov. 10. — Disposing of the taking of depositions in the independent exhibitors' anti-trust suit against B. & K. and distribution companies, Federal Judge Wilkerson today directed the defendants to furnish the plaintiffs with copies of all con-

(*Continued on page* 2)

Reade Buys Plaza

Walter Reade, circuit operator, has purchased the Plaza Theatre on 58th St. near Madison Ave., and will take possession Sept. 1, 1939, when the present lease held by Leo Brecher expires. Reade said the purchase price was $450,000. The property was bought from Gertrude Vanderbilt Whitney, through a broker.

This gives Reade 39 theatres in his circuit, two in New York. He will remodel the house at an estimated cost of $25,000. Policy has not been decided but the house may be continued as a class subsequent run.

Judgment Is Reserved in Trust Action

(Continued from page 1)

time was not likely to prejudice the Government's case.

Chief surprise of yesterday's hearing, mainly devoted to the question of a bill of particulars, was the Government's admission, through Special Assistant Attorney General Williams, that no evidence had been obtained against United Artists, and that U. A. was named as defendant only because it came "within the magic wall." Taken off guard, defense counsel challenged the Government for a definition. No explanation was forthcoming, however, except a statement by Williams that complaints against the major companies had included U. A. and that the latter appeared among the favored group.

Judge Bondy asked Benjamin Pepper, attorney for U. A., why no motion to dismiss the bill against the company had been made. Pepper explained that the uncertainty surrounding the newly adopted rules had made it inadvisable to do so at the present time, but that the motion would be made after the bill was granted. In defense of the Government's position, Williams stated that questionnaires had been sent to all major companies and that replies had been received from all except U. A. He declared that the Government would proceed to obtain the needed evidence before trial. Louis Frohlich, attorney for Columbia, also stated that he would move to dismiss the complaint after the particulars are granted.

Orders Depositions In Newburgh Action

Neil F. Agnew, vice-president, and N. S. Cassel, managing agent of Paramount Pictures, Inc.; Sidney R. Kent, president, and William Sussman of 20th Century-Fox Film Corp.; George Walsh, individually and as president of Netco Theatres Corp., Eugene Levy and Joseph Lee were ordered yesterday to submit to an examination before trial by Federal Judge Edward A. Conger at the request of Orange County Theatres, Inc. At the same time Judge Conger granted a Paramount application for Harry Friedman, president of Orange, to submit to an examination before trial. No time for the hearing was set.

Depositions are in connection with a suit for $225,000 under the Sherman Anti-Trust Act in which Orange, operating the Academy in Newburgh, N. Y., charged Paramount, 20th Century-Fox, Big U Film Exchange, Inc., RKO, United Artists, Joseph Lee, Eugene Levy, George Walsh and Netco Theatres Corp. with conspiracy.

Grainger Off on Tour

James R. Grainger, Republic president, left last night for a 10-day trip to the company's southern offices. Before leaving he closed a one-year deal with Fox West Coast for Los Angeles, San Francisco, Seattle, Portland, Denver, Kansas City, St. Louis and Milwaukee territories.

Insiders' Outlook

BELIEVE it or not, Universal's "sleeper," sometimes known as "Mars Attacks the World," is selling plenty of theatre tickets, and even bettering the gross of the same company's popular "horror" combination bill in many situations.

For example, "Mars" did $2,300 at the Boston, Boston, last Sunday, which is 50 per cent of a full week's average for the house. It did $2,400 at the Terminal, Newark, on Saturday and Sunday, or about $500 over average for the weekend. At the Franklin, Oakland, it was well over average on Wednesday, opening day, with $300 and, on the same day, was also over average at the Park, Reading, with $700. At the State, Trenton, it did $1,300 for Saturday and Sunday, about $250 over average, and with $900 at the Paramount, Omaha, on Sunday, was 10 per cent over average.

▼ ▼

Perhaps the record mileage by land, sea or air which a showman has covered this year is that which has been traveled by Arthur Lee, chief of the Gaumont British offices here. Since the first of the year, Lee has traveled approximately 100,000 air miles.

▼ ▼

DuPont Film Mfg. Corp. earned $929,388 during the first nine months of this year, compared with $1,149,918 for the same period last year, Pathe Film Corp., which owns 3,500 shares of a total issue of 10,000 capital shares of DuPont Film, has informed stockholders. The DuPont interest is rated as the principal asset to be distributed by Pathe if the proposed dissolution of the latter company is approved by its stockholders, Dec. 6.

Organized in 1924, DuPont added to its original product, which was positive film for professional purposes, motion picture negative film, x-ray film for medical and industrial uses and 16mm. film for amateur use. In the six years beginning with 1932, DuPont earned $5,938,000, or $594 per share. Dividends during the same period aggregated $5,450,000, or $545 per share.

▼ ▼

Dorothy Killgallen will do a Broadway column for the *Journal-American,* beginning Monday. She will be the first Main Stem woman columnist.

▼ ▼

Sixty - seven representative newspaper editorials from publications representing all sections of the country were selected from among the hundreds of similar expressions which have appeared since the start of the Motion Pictures' Greatest Year campaign and compiled in booklet form by the executive and advertising committees of the drive. The editorials are unanimous in their praise of the initiative and enterprise of the industry in conducting the drive, and comprise a wide variety of expression on the social and economic significance of motion pictures in this country and throughout the world.

The 16-page booklet is being distributed to theatre owners in the United States and Canada who are participating in the campaign with the suggestion that the selected editorials represent a valuable contribution to the industry's "institutional copy" which might be used to advantage by local exhibitors.

◀ *Purely Personal* ▶

LOWELL THOMAS, Movietone News commentator, has started his first vacation in five years. HUGH JAMES, NBC announcer will replace him on the reel during his absence.

•

NANCY KELLY will return to New York next week for the opening of her first film, "Submarine Patrol."

•

ED SIEGAL, former manager of the Trent, New Rochelle, has been transferred to the Freeman in the Bronx, with IRVING STEIN succeeding him in New Rochelle.

•

BOB SMELTZER, Warner central district manager at Washington, conferred here yesterday with ROY HAINES, eastern and Canadian sales manager.

MRS. ESTELLE GERMAN, wife of WILLIAM J. GERMAN, vice-president and general manager of J. E. Brulator, Inc., returned yesterday from Paris on the *Normandie.*

•

HAL WALLIS, Warner production executive, leaves tomorrow for the coast, accompanied by CASEY ROBINSON, studio writer.

•

J. CHEEVER COWDIN, JR., returned yesterday from London with his father, after five months abroad.

•

PAT O'BRIEN left for the coast yesterday after a month's vacation in New York and Bermuda.

•

BEN FRIEDMAN now managing the Zenith in the Bronx.

Annual Film Drive Is Seen As Certainty

(Continued from page 1)

who so quickly responded in the extraordinary emergency when the industry suddenly decided to hold a drive, and who, overnight, organized the $1,000,000 campaign.

Speed was essential then, as the season was fast getting under way. RKO's chieftain, however, expressed his assurance that the next drive will receive more deliberate consideration and will be more fully planned. Such planning, he suggested, might be undertaken with the first of next year.

He expressed the industry's gratitude for the fine work done by the committees, and particularly for the work accomplished by Howard Dietz, Charles McCarthy and Robert Gillham of the advertising committee.

Dais guests with Schaefer were Harold B. Franklin, W. G. Van Schmus, Ned E. Depinet, John J. O'Connor, Herbert Wilcox, Anna Neagle, S. Barret McCormick and others. Ralph Rolan presided.

Entertainment included songs by Eva Ortega, star of RKO Spanish films, and The Great Zingone, who amused with card tricks.

Court Asks B&K to Produce Contracts

(Continued from page 1)

tracts between B. & K. and major companies by next Wednesday.

Depositions were halted as a result of the court's order, which was issued in an effort to speed up the proceedings.

Barney Balaban, Paramount president and head of B. & K., was served with a summons in the Government action against the circuit, which was filed here on Wednesday, when he stepped from the Santa Fe *Chief* on his arrival from Hollywood. Accompanied by Y. Frank Freeman, new Paramount studio chief, he left for New York later on the *Century.*

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

Monopoly Inquiry Scheduled to Open By End of Month

WASHINGTON, Nov. 10.—Members of the temporary National Economic Committee today began preparations for hearings in the monopoly investigation, with a view to opening them, if possible, before the end of the month.

First days of the hearings will be devoted to Government officials, including probably Assistant Attorney General Thurman Arnold, who will outline their views on monopoly generally.

No indications are available as to how deeply the Administration monopoly committee will go into the motion picture industry, nor when that industry will be reached, but it was forecast that some phases of the film situation would be developed during the hearings on patents which, with the glass industry, will be the first subject to be taken up specifically.

Cowdin Heads Film Notables Returning

J. Cheever Cowdin, Universal board chairman, after five weeks abroad, returned yesterday on the *Normandie.*

He would not discuss the $40,000,000 Gaumont British-Odeon merger, in which Universal may be involved through the sale of General Theatres (Lord Portal-Arthur Rank—C. M. Woolf.)

Consummation of that deal is believed to be several months off. Without the approval of 20th Century-Fox and M-G-M that deal probably can not be made, as they are substantial holders in G. B.

Among other *Normandie* arrivals were Phil Reisman, RKO foreign chief; Herbert Wilcox, British producer, and Anna Neagle, star of his "Sixty Glorious Years"; Monty Banks, director of 20th Century-Fox films in London; Noel Coward, who will produce a new revue, "Set to Music," on Broadway; Laurence Olivier, British actor who will star in "Wuthering Heights" for Samuel Goldwyn, and Berton Churchill, actor. Coward said he has no picture plans.

While here Wilcox will discuss new releasing deals. He has no present production commitments.

Walter Futter and Leslie Howard, who recently formed Major Pictures, Ltd., also arrived. The company hopes to make three pictures in England, with Howard starring, production to start in January. Stories lined up include "The Mississippi Bubble" and "The Life of General Gordon," the latter in color. Sir James Barrie's "The Admirable Crichton" will also be made if the rights can be cleared. Futter and Howard plan to leave for the coast shortly, but Howard has no Hollywood commitments.

"Wings" Opens in London

LONDON, Nov. 10. — "Men With Wings" opened here tonight at the Carlton before a group of distinguished aviators and other notables, including the King of Greece, Lord and Lady Louis Mountbatten, U. S. Ambassador and Mrs. Joseph P. Kennedy and others.

Hollywood Preview

"Up the River"

(*20th Century-Fox*)

HOLLYWOOD, Nov. 10.—This is a riproaring comedy placed principally within prison walls with convicts, warden and guards engaged in a lively kidding of inter-penitentiary football rivalry, as well as the collegiate kind, and other matters ranging from amateur theatricals to old-age insurance rackets. The screenplay by Lou Breslow and John Patrick derives jocosely from Maurine Watkins' story previously produced as serious melodrama. Treated here for laughs, but without failing to prove that crime doesn't pay, the story makes better entertainment than when soberly handled.

Preston Foster and Arthur Treacher top the picture as carefree confidence men momentarily detained. Bill Robinson, fellow inmate, gets in two of his matchless tap routines and Tony Martin, young criminal, sings a solo in impressive style. Eddie Collins is aces as M. C. of a prison stage show, Sidney Toler is a convincing criminal at large, and Phyllis Brooks satisfies as a sweet young reformatory graduate awaiting her sweetheart's parole. Alan Dinehart and Slim Summerville give excellent accounts of themselves as prison warden and convict coach of the pen team. (The finale of the inter-sectional football battle is on a par with the finale of the same company's "Hold That Co-ed.")

Executive Producer Sol M. Wurtzel and Director Alfred Werker had plenty to shake hands over when the preview audience told them in terms of hilarious laughter what they thought of their picture. It's one for showmen with audiences susceptible to humor to shout about.

Running time, 75 minutes. "G."* ROSCOE WILLIAMS

**"G" denotes general audience classification.*

Tri-States to Use Air in Film Drive

DES MOINES, Nov. 10.—Radio announcements are to be used here to keep interest in the "Movie Quiz" contest alive after the principal pictures figuring in the questions have been played.

G. Ralph Branton, business manager for Tri-States, and Joe Kinsky and Arthur Stolte, district managers, have worked out a series of spot announcements. They will also give a special buildup to the "Winning Eleven" films during November and December.

UA Wins Libel Writ

LONDON, Nov. 10.—Capt. Edmund MacMichael today was enjoined from repeating alleged libels on Samuel Goldwyn, Ltd., Inc., and United Artists, claimed to be contained in a pamphlet stating that the Performing and Captive Animals Defense League had denounced cruelty to animals in the film, "Goldwyn Follies."

Monogram Set in S. A.

Distribution deals for all of South and Central America, with the exception of Peru, have been closed by Monogram, according to Norton V. Ritchey, export manager.

Junior Guild Asking NLRB to Cancel Pact

HOLLYWOOD, Nov. 10. — Junior Actors' Guild has filed with the N.L.R.B. a petition asking cancellation of the contract between the Sreen Actors' Guild and the Motion Picture Producers' Association, claiming it deprives Junior Guild members of their rights.

The petition states the Junior Guild has 6,500 members, and is a majority. Dr. Towne Nylander, N.L.R.B. regional director, said he will set a date for a hearing on his return from Washington. He left today for a 10-day stay.

O'Keefe-Pathe Suit Ends

Suit of John F. O'Keefe against Pathe Film Corp. and Pathe Studios, Inc., was discontinued without cost, according to a stipulation filed yesterday in the N. Y. Supreme Court. O'Keefe had brought suit as assignee of ZaSu Pitts to recover on a judgement for $5,940, which she had brought against Pathe Studios in California. Pathe Film had been named defendant as the parent organization.

The Newsreel Parade

The country-wide elections are covered uniformly by all the newsreels in their new issues, out yesterday. Football games make up the sports coverage. The reels and their contents follow:

MOVIETONE NEWS—Republicans gain in Congress. Army plane crashes in Washington. Fashions on the farm. Pheasant hunt in New Jersey. Hollywood ice carnival. Lew Lehr.

NEWS OF THE DAY—Election highlights. Uprisings in Palestine. Plane crashes in street. Football games.

PARAMOUNT NEWS—Fox chasing in England. Moon eclipse. Hollywood dogs at lunch. Football-playing chimp. Elections upset New Deal. Football games.

RKO PATHE NEWS—Election results, victors speak. Polish general visits Czechoslovakia. Mask and Wig club rehearses. Horse show. Football games.

UNIVERSAL NEWS—Elections around the country. Army plane crashes in Washington. Unveil statue in Virginia. Tree jail in Oklahoma. Scientists test cool fire. Chicago six-day bike race. Boxing in Brooklyn. Football games.

"Boys Town" Sequel

Omaha, Nov. 10. — Father E. J. Flanagan, head of the boys' home at Boys Town, Neb., has gone to Hollywood to confer with M-G-M officials about a sequel to M-G-M's "Boys Town."

Fairbanks Plans Three Productions For U.A. Release

Douglas Fairbanks, Sr., will make three pictures during 1939 for United Artists release, in association with Albion Films, Ltd., of London. Montague Marks, general manager of Albion, arrived yesterday on the *Normandie.*

He left for the coast last night by plane to confer with Fairbanks. Before leaving he was in conference with Murray Silverstone, executive head of United Artists.

Albion was formed recently by Marks, Fairbanks and Sir Adrian Baillie. Marks described it as the holding company for Douglas Fairbanks Productions, and while for the present it will limit itself to financing Fairbanks it will later include other producers.

It was indicated also that the company may finance a production program for Mary Pickford. Marks apparently intends to confer with her when he returns here. This may be in about a week.

Fairbanks will produce in Hollywood and at Denham Studios, London, Marks said. Seven story properties have been lined up, from which three will be selected for the first year's program. The films are intended to be completed in time for release on United Artists' 1939-'40 schedule.

Marks formerly was general manager of London Films. After long association with that company, he withdrew to form his own company. Sir Adrian Baillie is a member of Parliament and financially influential. He is a cousin of Mrs. John Hay Whitney.

Charles Brackett Elected SWG Head

HOLLYWOOD, Nov. 10.—Charles Brackett, unopposed, has been elected president of the Screen Writers Guild. Philip Dunne was elected vice-president; Maurice Rapf, secretary, and Ring Lardner, Jr., treasurer. New members elected to the executive board include Gilbert Gabriel, Sheridan Gibney, Mary J. McCall, Jr., Laura Perelman and Budd Schulberg.

Kirsch to Be Honored

CHICAGO, Nov. 10.—Jack Kirsch, president of Allied of Illinois, will be given a testimonial dinner at the Congress Hotel here Dec. 2. Industry leaders will attend. Henri Elman, local Monogram head, is accepting reservations.

Republic in Long Deal

Republic has closed with the J. G. Long Circuit of Texas for the 1938-'39 feature and western lineup and serials, and with Compania Distribuidora Films, Colombia.

Commercials Are Used on Auto Telecast

(*Continued from page* 1)

and whose commercial virtues were described by special announcers in the street, were Chevrolet, Ford, Hudson, Nash, Packard, Plymouth and Studebaker.

The outdoor scenes were picked up by NBC's mobile television unit parked in the Plaza, where engineers monitored and synchronized sound and image before they passed by coaxial cable to the studios. There they were transmitted by cable to the transmitter in the Empire State tower where the program was put on the air. An aerial picked up the broadcast from there and relayed sound and image to the television receivers in the special studio.

Also there was a demonstration indoors, consisting of a show of miniature automobiles to show the practical application of television and to demonstrate the commercial and entertainment values of television.

Those who attended the broadcast include: C. F. Kettering, vice-president, General Motors; H. H. Curtice, president of Buick; Paul G. Hoffman, president of Studebaker; D. A. Wallace, president of Chevrolet; G. W. Mason, president of Nash-Kelvinator. Other representatives of auto concerns were A. R. Barbier and F. L. Black, Ford; E. W. Seaholm, Cadillac; Byron C. Foy, vice-president, J. W. Frazier, vice-president and H. E. Tongue, advertising manager, all of Chrysler; James Crawford, chief engineer, and D. P. O'Keefe, purchasing agent, Chevrolet; J. W. Dineen, director of sales of General Motors and William S. McLean, advertising manager of Fisher Bodies; W. A. Blees, general sales manager of Nash; H. G. Moock, general sales manager of Plymouth; C. P. Simpson, general sales manager of Pontiac; George Keller, sales manager fo Studebaker, and W. R. Tracy, vice-president of sales for Hudson.

Advertising agency officials who attended were: Guy C. Smith of Brook, Smith & French; D. P. Brother of D. P. Brother Co.; H. T. Ewald, W. W. Lewis, J. J. Hartigan, R. K. White and Roswell F. Field of Campbell-Ewald; Pat Geyer of Geyer-Cornell; H. L. McClinton and Edward R. Dunning of N. W. Ayer & Son; Ken Groesbeck and Ed Garbisch of Ruthrauff & Ryan; J. V. Tarleton, M. P. Francesci and J. Sterling Getchell of the latter's agency; E. J. Owens of the Judner agency; and H. K. McCann and Don Shaw of McCann-Erickson.

The television program was directed by Warren Wade and supervised by Tom Hutchinson, NBC television program manager. C. W. Farrier, coordinator of television for NBC, was in charge of the show.

Bulova Renews on NBC

Bulova Watch Co. has renewed its time chimes contract with WEAF, NBC's key station here for the Red network. The contract, for six weeks, was placed by the Biow agency.

Radio Santa Claus

Cincinnati, Nov. 10.—In a tieup with the Hotel Sinton, WKRC, CBS owned and operated station, on Dec. 1 will place a booth at the hotel corner for the collection of toys to be turned over to charity organizations for repair and distribution. Similar activity is slated for the suburban Hotel Alms, where the studios are located. The station will broadcast daily appeals for toys, says William A. Schudt, Jr., general manager of WKRC.

WOR to Broadcast Cabrini Ceremonies

Ceremonies attendant on beatification of Mother Francis Xavier Cabrini from St. Peter's, Vatican, Rome, will be broadcast by WOR-Mutual Sunday from 1 to 1:20 P. M. The ceremonies will be preceded from 12:50 to 1 P. M. with introductory comments by Monsignor Aloysius C. Dineen, pastor of Holy Innocents, New York.

"Hobby Lobby" Extended

Network for Dave Elman's "Hobby Lobby" on the NBC-Blue has been extended, and henceforth will include, in addition to its present group of stations, WEBC, KELO, WDAY and KFYR. The program is sponsored by the Fels Co., through Young & Rubicam.

Jack Bell Joins WLW

Cincinnati, Nov. 10.—Jack Bell, for the past three years commercial manager and head of the artists' bureau at WCMI, Ashland, Ky., has joined WLW, where he will handle bookings of the station's shows.

Mutual Gets Scanner

Mutual has placed an order with RCA for a new RCA facsimile scanner for installation in WOR's Carteret, N. J., transmitter building.

London Theatres Relay Armistice Telecast Pickup

London, Nov. 10.—British Broadcasting Co. has issued permits for theatres to relay the television broadcasts of tomorrow's Armistice Day celebration.

The Tatler Theatre, which will show the event on a large screen, will seek also to obtain permits to televise other national events, such as the "trooping of the colors," opening of Parliament and the like. Despite its permits, the BBC still prohibits the telecasting of all shows where admission is required.

Cantor Show Stays On CBS for 26 Weeks

Eddie Cantor's program for the R. J. Reynolds Tobacco Co. has been renewed for 26 weeks of additional broadcasting over CBS, effective Jan. 2. The series has an 89-station hookup.

William Esty & Co. is the agency.

Air Red Cross Program

Ceremonies honoring the Red Cross will take place Sunday at the World's Fair grounds with the dedication of the Hall of Pharmacy Building, with Mary Pickford and Lucy Monroe of radio and the opera participating. The webs will carry descriptions of the event.

Jolson to Coast Soon

Al Jolson will return to Hollywood following the broadcast on Nov. 16 from New York. It is expected that Martha Raye will rejoin the program when it returns to the west coast.

Masters to Quit Guest

Frankie Masters orchestra is scheduled to bow out of Edgar Guest's "It Can Be Done" series around Jan. 1, when it will be replaced by a new outfit.

▸ *Radio Personals* ◂

JOE LAURIE, JR., has been added to the writing staff of Al Jolson's program . . . Marion Chadburn, secretary to WOR program director Jules Seebach, will be married Dec. 10 to Newell McDonald . . . Elizabeth Reller has been added to the cast of "Grand Central Station," CBS series . . . "Fats" Waller and "Buster" Bailey booked for guest shots on the "Swing Club" . . . Taking up where Chico left off on election night, Groucho Marx will appear on Bob Hope's show Nov. 15 . . . First of the guests to appear in the sponsored "Information Please" show will be John Gunther, European correspondent and author of "Inside Europe."

+

Joe Penner's birthday is today. . . . His former associates at NBC learned yesterday of the death of Harry Weir, who left the company last year to join the Lincoln Brigade in Spain. Weir was killed in a recent battle. . . The Lombardo gang, except Leibert, arrived here yesterday from Chicago by plane and opened last night at the Roosevelt. Leibert is afraid to fly and he's coming on by train.

DuPont Will Resume "Calvacade" on CBS

E. I. DuPont Co. has signed to return the "Cavalcade of America" series over CBS, starting Dec. 5 and Mondays thereafter from 8 to 8:30 P. M., with a re-broadcast to the coast at midnight. The program, broadcast over CBS for several consecutive years, left the air last summer.

The show will have the same format as heretofore, dramatic productions featuring American historical events. Signed for the show are Thomas Hardie Chalmers as narrator, Gabriel Heatter as commentator and James Trueslow Adams, historian, who will assist in production. Don Voorhees' orchestra will provide the music. Batten, Barton, Durstine & Osborn is the agency.

Around the Country

Omaha

Lee McLendon, is a new KOIL continuity writer, from KWKH, Shreveport, La. . . . Lucile Ruby, formerly with WSUI, Iowa City, Ia., is directing a WOW program and instructing radio broadcasting classes at the University of Omaha. . . . Owen Babbe of WHO, Des Moines, has joined the KOIL announcer staff.

+

San Francisco

KPO has signed Julie O'Day, former KOMO, Seattle, commentator, to broadcast a Woman's Forum program five afternoons a week. . . . Irwin Sidney, recently with KIRO, Seattle, has joined the KJBS sales staff. . . . Mark Goodson is a new KFRC announcer. . . . Manager Ralph Brunton of KJBS and KQW is back at his desk, after an illness of three weeks. . . . KFRC has been named by the United States Weather Bureau to broadcast this year's nightly frost warnings. . . . Consuelo Gonzales, former New York singer of Mexican songs, has a new half hour Sunday show on KPO. . . . Richard Deasy has resigned as a KSFO announcer.

Herb Allen has not been renewed on KPO's "Sleep Serenade," sponsored by McRoskey-Airflex Mattresses, and he will join the announcing staff at KFI, Los Angeles. . . . Lindsey Spight, coast manager for John Blair & Co., station representatives, is teaching radio advertising in a new University of California extension series. . . . Fred Crawshaw, former advertising manager for the Owl Drug chain, is now on KFRC's sales staff. . . . George Taylor has inaugurated a daily participating program on KYA, tabbed "Siesta Hour," built to accommodate five sponsors on each broadcast.

Home Television By Xmas Denied

Ticker reports that RCA's home television receiving sets would be on the market by December were discounted at RCA headquarters here yesterday. Also denied was a report that RCA and the Du Mont Television System were negotiating a plan whereby the television patents controlled by each of those companies would be exchanged.

Regarding the report that the home receivers would be available to purchasers by Christmas time, the company indicated that even the design of the instrument had not yet been finished, and doubts were expressed that the receivers would be on the market even at the time predicted recently by David Sarnoff, the spring of 1939.

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 44. NO. 95 NEW YORK, MONDAY, NOVEMBER 14, 1938 TEN CENTS

Nazis Grinding Heel in Czecho Film Business

Drive Under Way to Kill All Foreign Titles

PRAGUE, Nov. 13.—Germany is forcing her boot into the Czech film business, conducting an endless campaign since the Munich agreement to impress her ideological theories and racial hate not only in the Sudeten area, but also here.

The Czechoslovakian censor has banned Charles Chaplin's "Modern Times" from the entire Slovakian area.

(*Continued on page 6*)

Efforts to Modify Italy Decree Fail

Efforts of F. W. Allport, M. P. P. D. A. European representative, to obtain interpretations of the Italian film distributing monopoly decree which would permit American companies to continue in that market after Dec. 31, when the decree goes into effect, were unavailing, home office foreign departments have been advised.

Allport visited Rome recently and conferred there with Italian officials.

(*Continued on page 6*)

Kultur!

Latest dispatches from Berlin report that Propaganda Minister Paul Goebbels, as president of the Reich Culture Chamber, has forbidden the presence of Jews in film houses, theatres, concert halls and other public presentations. Fines will be imposed on proprietors who violate the decree.

G.B. Would Retain Own Selling, 20th May Handle Booking

Closer relationship between Gaumont British distribution, in America, and 20th Century-Fox, may be realized through the presently contemplated arrangement, which G. B. is hoping to negotiate, whereby booking of G. B. product, hitherto handled separately by G. B., may be handled by 20th Century-Fox men.

As is known, 20th Century-Fox handles the physical distribution of G. B. films here, but the selling is done by G. B.'s own salesmen. G. B. also has been doing its own booking.

If the new arrangement can be had, the booking end would be taken

(*Continued on page 6*)

Warners Again This Year Devote Campaign to Sears

Warners' current season sales drive will start Christmas Day and extend to April 16, a period of 16 weeks. Again, as in previous years, this most important of Warner sales campaigns will be known as the "Sears Drive," honoring Gradwell L. Sears, general sales manager.

Prizes to sales staffs will total $25,000. Carl Leserman, assistant general sales manager, will act as coordinator, as he has done in the past two years.

Districts will compete with each other in the competition, with district heads designated as captains of their territories. Prizes will be awarded by districts and branches.

Plans for the drive will be mapped today and tomorrow at meetings set by Roy Haines, eastern and Canadian sales manager, at the home office, and by Ben Kalmenson, western and southern sales manager, in Chicago.

District managers attending the New York meeting include Ed Schnitzer, New York; Bob Smeltzer, Washington, and Wolfe Cohen, Toronto. Present at the Chicago meeting are District Managers Fred Jack, Dallas; Rud Lohrenz, Chicago, and W. E. Callaway, Los Angeles.

Executives attending the meeting late last week at which the decision on the drive was made included Albert Warner, vice-president; Hal B. Wallis, associate executive in charge of production; S. Charles Einfeld, director of advertising and publicity; Mort Blumenstock, eastern advertising and publicity head; Norman H. Moray, Vitaphone sales manager and Sears, Leserman, Haines and Kalmenson.

Wallis said there will be a strong lineup of pictures during the drive.

19 TRANSMITTERS TELECAST IN U. S.

Millions Already Spent In Hope of Future Big Revenues

With television not yet out of the experimental stage, a checkup shows that there are presently 19 authorized television stations operating in the U. S. It is no secret that the big fellows in visual communication are anxious to land as many experimental licenses as possible, in the hope that when television becomes an assured form of communication and entertainment, that such licenses as may be existing would be converted into commercial use.

Transmitters cover the country and both coasts. There are no figures, of course, which could tell the actual cost of television experimentation, to date. Nobody can guess accurately how many millions it may still be required before commercial use of television can become a consistent and practical form of communication and amusement.

It is estimated that RCA-NBC, alone have expended approximatelay $15,000,000 on the new art, to date.

Columbia Broadcasting System is spending $500,000 for a transmitter to be erected atop the Chrysler Building, here. That's of course, additional

(*Continued on page 7*)

Teachers Told Air Programs Claptrap

Atlantic City, Nov. 13.—Majority of what is offered in radio was branded "mediocre claptrap" at the convention of the New Jersey School Teachers Association by Keith Tyler, research associate in the bureau of educational research at Ohio State University.

"Radio has placed a new burden upon American education," he said, "that of developing critical and discriminating citizens in the face of a barrage of political and social propaganda, a flood of verbose sales talk and great quantities of mediocre claptrap."

Aside from the musical field, it was stated that radio offerings are distinctly low grade, especially in the case of children's programs.

No Changes in Para Policy by Shift of Zukor

Recent administrative shifts in Paramount's studio and theatre departments, which place Adolph Zukor in London, Y. Frank Freeman in charge of the studio, and bring theatre operations directly under Barney Balaban, president of Paramount, presage no changes in company policies, Balaban said on his return to New York from Hollywood over the weekend.

Production policy, as heretofore, will be determined by Paramount's top ranking executives in collaboration with the studio heads. Theatre operations continue on their established basis of decentralized direction

(*Continued on page 6*)

Original "Irish Rose" Cast at Garden Show

One of the features of the "Night of Stars" fifth anniversary presentation at Madison Square Garden next Thursday will be a "Cavalcade of the American Theatre." In it will be the original cast of "Abie's Irish Rose," a number of members of the cast of the original "Floradora" company and the original casts of "The Prince of Pilsen" and "The Silver Slipper."

The Ziegfeld Follies will be represented by Gladys Feldman and a number of other girls. Chamberlain Brown is working with Ben A. Boyar in this feature of the program. Sinclair Lewis

(*Continued on page 6*)

Two Holidays Boost Broadway's Grosses

Armistice Day business along Broadway failed to come up to expectations, but two holidays in one week boosted grosses considerably. "That Certain Age," at the Roxy was reported at $56,200 for the first week with $10,000 on Friday to start the second. "Submarine Patrol" will open there Nov. 18. "Men With

(*Continued on page 6*)

Radio—Page 7

Purely Personal

NORMAN H. MORAY, Vitaphone sales manager, left over the weekend on a tour of exchanges from which he will return on Friday. He will visit Chicago, Cleveland and Pittsburgh.

•

Frank Lloyd, Paramount producer, returned Saturday with Mrs. Lloyd from a European trip. Lou Smith, Lloyd's associate producer, flew from Hollywood to meet him.

•

J. L. Warner, vice-president in charge of production at Warners, arrives Nov. 19 on the *Normandie*. S. Charles Einfeld, now in town, will go to the coast with him.

•

Harry Michalson, RKO short subject sales manager, and Walter Branson, midwestern district manager, are on a tour of the company's midwestern exchanges.

•

Irving Lincer, transportation manager for 20th Century-Fox, is recuperating from a siege of pneumonia at Beth David Hospital.

•

Eddie Schreiber of Warners' publicity department has been shifted to the Vitaphone studio to handle shorts publicity.

•

Sam W. Smith, managing director of British Lion Film Corp., sailed on the *Normandie* Saturday. During his stay here, he signed a five-year distribution contract with Republic.

•

Mack Gordon and Harry Revel, 20th Century-Fox song writers, are due today from the coast for a brief stay in New York.

•

William A. Seiter, 20th Century-Fox director, and his wife, Marion Nixon, have sailed on the *Santa Elena* for a vacation.

•

Dorothy Lamour will throw the switch which will light "Santa Claus Lane" on Hollywood Boulevard for the Christmas season.

•

Joseph Gould has been assigned to the press book department at United Artists, replacing Ann Suter.

•

Helen Twelvetrees has returned to the Paramount studio after a New York jaunt.

•

Mort Blumenstock, in charge of Warner advertising and publicity in the east, sailed Saturday on a 14-day cruise in the Caribbean.

•

Stanton Griffis, chairman of the Paramount executive committee, arrives in New York today from Ithaca.

•

Kelcey Allen, *Women's Wear* film critic, is celebrating another birthday, this week.

•

Marcel Hellman, British producer, has left for Hollywood.

•

Herman Wobber, 20th Century-Fox sales head, is expected today from studio conferences.

•

Trem Carr is now president of the Lakeside Golf Club on the coast.

Insiders' Outlook

MEMBERS of actors' unions here are genuinely concerned over the conservative trend in last week's election and its possible effect on the Federal Theatre Project of the WPA. When the FTP was started some three years ago, sentiment among actors varied. Many felt that the competition with commercial Broadway ventures might depress box-office returns and bring down salaries. Now, however, with approximately 700 members of Equity and about 300 members of the American Federation of Actors employed on the project, hope is that it will become permanent. Producers, who were most vocal in their opposition, apparently have become reconciled to this kind of competition.

▼ ▼

There will be 162 speaking roles in "Hotel Imperial," if Paramount's studio's publicity reports on the picture are fulfilled. That's plenty of talk for any picture, and may be a record number of parts. In making a comparison with other pictures, the Paramount analysts point out that even in Cecil B. DeMille spectacles, the aggregate number of roles in a single film have not exceeded 100.

▼ ▼

Latin American business of major distributors since 1935 has shown a 50 per cent increase over the previous 10-year average, according to Walter Gould, United Artists manager for Latin America. Gould estimated the return from that market at from six to 15 per cent of the total world gross of all companies, asserting that there was that much spread between the grosses of individual companies.

Just returned from a three-month visit to his territory, Gould said that the only immediate opportunity of increasing business in Latin America is that offered by the continuous theatre expansion in the territory. Approximately 50 theatres are under construction at this time, he reported. Aside from these new outlets, few opportunities are at hand, as American films already enjoy the lion's share of available playing time.

The operation of the Production Code has had no adverse effect on the popularity of the American film with the Latin temperament, Gould reported. Action pictures are still the most popular and musicals the least popular in the market to the south. Gould estimated that about 100 pictures a year are being made in Latin America, 50 to 60 of which are made in the Argentine and about 40 in Mexico. Two or three are made annually by Brazil, Cuba and Chile. United Artists will distribute six to be made in Mexico throughout the Latin American territory this season and plans an annual revival of a Valentino picture as a result of the success in that market this year of the reissue of "The Son of the Sheik."

▼ ▼

London advices are that the Ostrers, Isidore, Maurice and Mark, who always are in some kind of trade or deal, are now engaged in some kind of negotiations with the British Broadcasting Co., relative to television. Apparently, although reports are not altogether clear, the trade which may be going on between BBC and the Ostrers relates to cinema television, a matter in which the Ostrers are much involved.

Audio Producing WE Industrial Pictures

First of a series of pictures depicting Western Electric production activities has been completed by Audio Productions at the Astoria studio.

Audio is completing arrangements for production of three films in color at Astoria which will be exhibited at the World's Fair.

Close Port Jervis Royal

The Royal, Port Jervis, which was acquired by the Fabian circuit last week, has been closed. Fabian operates two other theatres in the town.

Another Newsreel House

Hollywood, Nov. 13.—Second newsreel house in this territory has opened on Hollywood Blvd. east of Vine street.

Para. Has New Projector

Hollywood, Nov. 13.—A new type of portable projector to be used for playbacks on location has been perfected at the Paramount studio. It contains features to withstand hard usage. Lorin Grignon, chief transmission engineer, designed it.

Cree Opens Coast House

San Francisco, Nov. 13.—Walter H. Cree, former 20th Century-Fox salesman in the San Joaquin Valley district, has opened the new 600-seat Lake in Corcoran. The house cost $25,000. Cree will open a second house soon, the El Rey, in Tulare.

Donner Starts New Reel

Vyvyan Donner today begins production on the second of the Fashion Forecasts in color for 20th Century-Fox, on winter sports and tropical costumes. Tomm Murstad, Norwegian skier, will appear in the film.

K. of C. Ask Quebec To Ease Child Ban

Montreal, Nov. 13.—Knights of Columbus here has declared itself 100 per cent behind the move to ease the ban on child admissions to film houses in Quebec province. At a screening last night arranged by Provincial Cabinet Minister T. J. Coonan, spokesman for the Knights, the organization offered support to the plan to admit children under 16 to films of historical, cultural or educational value.

Coonan protested against the rigidity of the present law, and declared amendments might advantageously be made. The Catholic School Commission plans to forward suggested amendments to Provincial Secretary J. A. Paquette in a few days. The commission's plan calls for a separate censor board to approve releases for children under 16, and includes the classification of films for different age groups.

CEA to Fight Seat Rule by Test Case

London, Nov. 13.—London Branch of the Cinematograph Exhibitors' Association, awaiting the issuance of the first 1939 theatre licenses, has been advised by its attorneys that acceptance of the licenses, embodying the new seat regulations, will create a bad precedent.

The organization plans to take issue immediately but will bring a test case on one license, instead of several, as previously intended.

Publix-Kincey Close For Full U.A. Lineup

Harry Gold, David Prince and Jay Schrader closed with H. F. Kincey, for the entire United Artists lineup, this season, in the Publix-Kincey theatres, of North and South Carolina. Kincey operates 50 theatres, all of which will play the U.A. product, under terms of the deal. Harry Gold is eastern division manager of U.A. and supervised negotiations on behalf of U.A.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: Motion Picture Herald, Better Theatres, Teatro al Dia, International Motion Picture Almanac and Fame.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

Superior Pan DU PONT

Tops for Photographic Quality

— Reputation for top photographic quality is no accident. Superior Pan comes by its good name, because of its proven ability to produce a good negative. It picks up the detail in shadows, and records highlights brilliantly without plugging. Its pleasing gradation gives middle and quarter tones their full value. And its color sensitivity is balanced to approach closely that of the eye.

— For superb photography in your next production, rely on Du Pont Superior Pan.

Du Pont Film Manufacturing Corporation
INCORPORATED

9 Rockefeller Plaza
New York. . . . N. Y.
Plant . . Parlin, N. J.

SMITH & ALLER, LTD.
6656 Santa Monica Blvd.
Hollywood . . . California

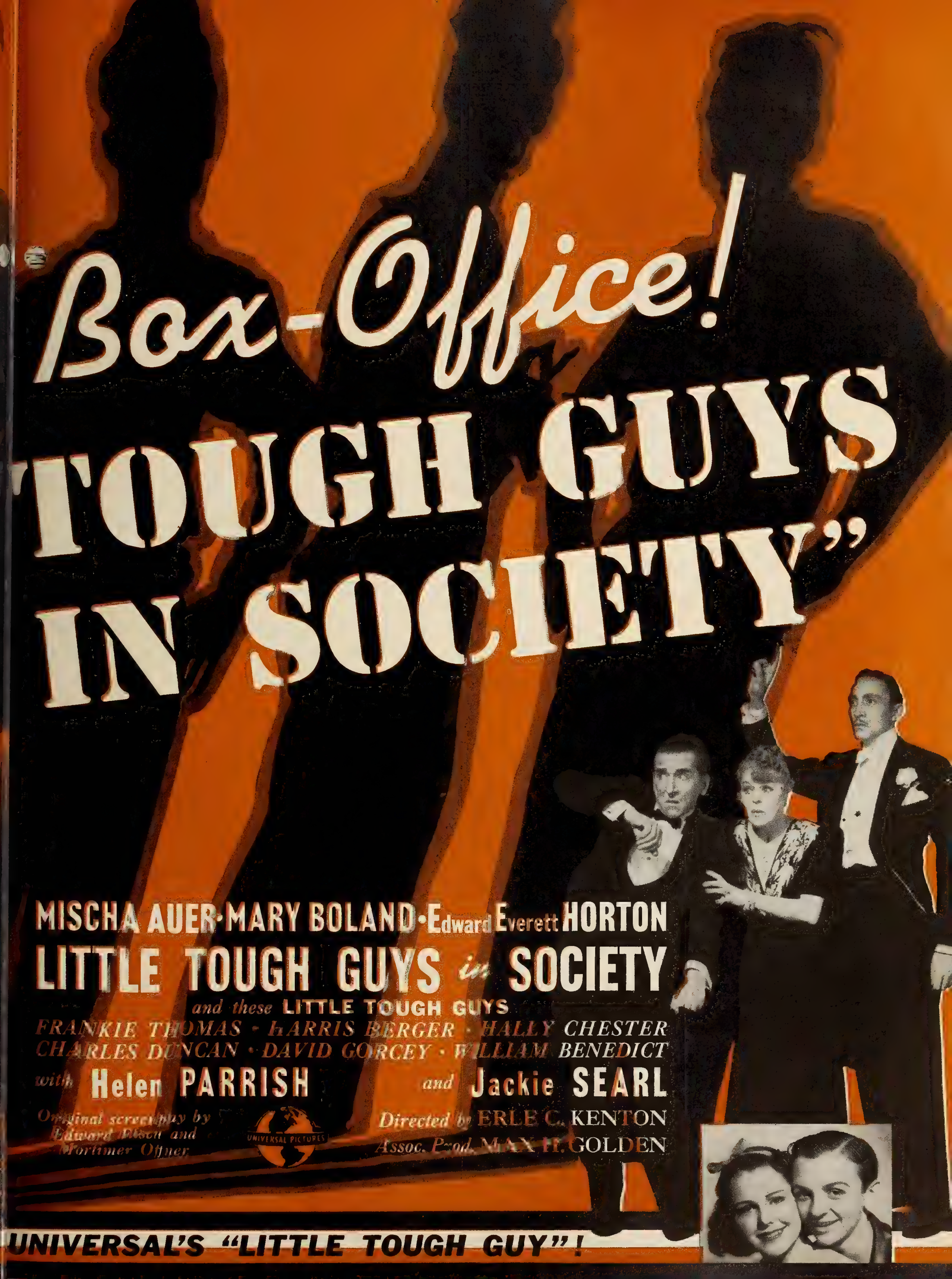
BETTER THINGS for BETTER LIVING through CHEMISTRY

BRED TO RUN WILD AT THE "LITTLE

NOW BOOKING!

RELEASED THANKSGIVING (NOVEMBER 24th)

MORE POWERFUL THAN



Box-Office!

"TOUGH GUYS IN SOCIETY"

MISCHA AUER · MARY BOLAND · Edward Everett HORTON

LITTLE TOUGH GUYS *in* SOCIETY

and these **LITTLE TOUGH GUYS**

FRANKIE THOMAS · HARRIS BERGER · HALLY CHESTER
CHARLES DUNCAN · DAVID GORCEY · WILLIAM BENEDICT

with **Helen PARRISH** *and* **Jackie SEARL**

Original screenplay by
Edward Eliscu and
Mortimer Offner

UNIVERSAL PICTURES

Directed by ERLE C. KENTON
Assoc. Prod. MAX H. GOLDEN

UNIVERSAL'S "LITTLE TOUGH GUY"!

Nazis Grinding Heel in Czecho Film Business

(Continued from page 1)

Now, a campaign is under way to eliminate from films titles of foreign origin. This means hundreds of negatives might have to be altered if such an edict were put through. By this token also names such as Broadway, Milwaukee, Chicago, London or Paris would have to be removed from films.

Hitherto the Czech film business, a prosperous industry under democratic rule, was the most respected throughout Central Europe. Today it is in an uproar since the Munich agreement. Germany's propaganda effect is seen in the sudden action of the Union of Actors, which issued a proclamation against "elements which do not belong to the Czechoslovakian film." This is the usual German way of assassinating personalities by scurrilous and reckless libel, in the controlled press. A similar proclamation followed from the exhibitors and producers organization, also from the directors. However, decently enough, the Ministry of Commerce compelled retraction of these proclamations and declared them invalid.

Authorities Are Decent

The authorities are trying to be decent about the whole thing in the face of tremendous Nazi pressure, as is seen in the police ban of a socalled protest meeting called by the Film Union to start an anti-Jewish boycott. The campaign apparently is directed against Aryan as well as against socalled non-Aryans. Even a picture produced by a patriotic Aryan Czech, Milos Havel, owner of the Barrandov-hill company, was banned by the Ministry of the Interior on nationalistic grounds. Attacks have appeared against "The White Sickness," an anti-dictator film by the most famous living Czech author, Karel Capek, an Aryan. There are other pictures on the unofficial blacklists.

The *Filmovy Kuryr*, official organ of the Czech Motion Picture Theatre Owners, is conducting a campaign against non-Aryan film producers. The first on the proscribed list was Josef Auerbach, who has done much for the national film industry over many years, during which he built up two of the biggest distribution organizations, Elekta and Slavia Film.

Americans Also Attacked

These attacks extend to representatives of American companies, men who have been here for years, who have done much for Czecho.

The *Filmovy Kuryr's* attack on one American representative was so scurrilous and violent that the Government pre-censor had to act against the paper.

Similar attacks have appeared in the exhibitors' paper against Otto Sonnenfeld, representative of RKO, and United Artists sales representatives. Sonnenfeld joined the colors when Czechoslovakia was in danger, but he continued his job from the front by means of correspondence and twice-weekly conferences with his secretary. The commercial attache of the American Embassay here is watching the situation closely. Harold Smith, representative in London of the Hays office, has been informed of the situation, and he has been expected here. Reginald Armour, RKO's European manager, has left Prague for Paris with a report on the situation.

Where this uproar will end nobody can tell. There are numerous problems to be solved first concerning the internal political problems of the nation which now has three Governments—Moravian, Slovakian and Carpatho-Russian, instead of the previous single, unified control. Each has its say on films as well as other matters.

It is understood that Slovakia, for instance, has prohibited Czech films which are allowed in other parts of the Republic. Meanwhile, it seems certain that Ufa, German film trust, will reopen its local branch. The commercial film treaty with Germany is to be signed by Christmas.

Officials hope that the showing of Nazi films will not lead to disturbances, and intimations are that the authorities are taking precautions in this respect. However, German newspapers, which were banned here for years, are now circulated, thus securing for the Nazis an avenue of uninterrupted propaganda.

Jones Favorite of Kids in Odeon Poll

London, Nov. 13. — Buck Jones is the favorite film star of the children who attend the 142 Odeon theatres, which are local centers of the Odeon's Children's Club. Shirley Temple and Jane Withers come next, with Tim McCoy in fourth place, a questionnaire to managers of the Odeon houses indicates.

The children prefer, in this order: westerns, adventures, animal films and comedies. Eighty-three per cent like newsreels as a whole with the majority preferring sports items. Military and naval scenes follow with flying sequences close behind.

Among the other conclusions to which the Odeon managers have come are that 55 per cent of the patrons are boys; in half the number of matinees children in arms are brought, and more than half the child patrons have money they spend on candy.

Original "Irish Rose" Cast at Garden Show

(Continued from page 1)

will give his interpretation of "Doremus Jessup" in "It Can't Happen Here." Fannie Hurst will make a personal appearance.

The entire cast of the Strand show which includes Hugh Herbert, Al Donahue, Eunice Healey and others has agreed to attend. Other stage and screen personalities expected include Hope Hampton, Glenda Farrell, Ann Miller, Toby Wing, Eddie Cantor, Kitty Carlisle, Walter Huston, Raymond Massey, Dorothy and Lillian Gish.

G.B. Would Retain Own Selling, 20th May Handle Booking

(Continued from page 1)

out of the hands of G. B. men, although G. B. would continue to handle its own sales. Some of the G. B. bookers might thus be transferred into sales posts.

Gaumont British is late with its films, a fact which may have had a bearing on the situation. The new system also would cut down G. B.'s operating overhead.

Monogram Weighing British Production

Monogram, in association with Pathe Pictures, Ltd., is considering producing in London, and for 1939-40, may increase its program to 32 films, whereas the company produces 26, presently.

Also, W. Ray Johnston, president of Monogram, has concluded a deal with William J. Gell, managing director of PPL for the latter company, again, to handle Monogram distribution in England. There were trade shows already held on five Monogram pictures, in London.

Current discussions point to the possible production of three or four films, yearly in England, but may be increased later. Pathe has its own program, in London, of 10 films.

Gell sailed Saturday for London on the *Normandie*. Arthur Levey, Monogram's British representative, who accompanied Gell to the States, is staying over.

Levey probably will return to London on the *Ile de France*, Nov. 19.

Two Holidays Boost Broadway's Grosses

(Continued from page 1)

Wings" drew an estimated $6,000 on Friday, with $27,500 indicated for the third week, and "Arkansas Traveller" set to start on Wednesday. Larry Clinton and his orchestra will furnish the stage show.

"Brother Rat" garnered an estimated $47,000 in its first week at the Strand and will be held over for a three-week run. "A Man to Remember" is estimated to have grossed near $5,000 for the week at the Rivoli and yielded on Saturday to "Hard to Get." "Gangster's Boy" was reported at $7,500 for its first week at the Globe, and is held over. "Mr. Wong, Detective" starts Saturday. "Marie Antoinette" starts its 14th and final week at the Astor tomorrow.

"Sixty Glorious Years" will start at the Music Hall Thursday after two weeks for "The Young in Heart." "Tarnished Angel" starts today at the Rialto, and "Illegal Traffic" at the Criterion on Thursday.

Form Egyptian Film Co.

Egyptian Film Co., controlled by Malko Brothers, with offices at 80 Washington St., New York, has been formed for the release of three features bought from the Studio Co. in Egypt. The first of these, "Wedad," will be previewed here shortly.

No Changes in Para Policy by Shift of Zukor

(Continued from page 1)

with home office supervision.

Whether Balaban will personally direct operations in the theatre department permanently, will be determined during the next few months. Perhaps at that time, depending on demands of his extra theatre duties, some of his presidential duties may be assigned to an executive assistant or some one who will be designated to handle a part of the theatre administration.

Freeman, who returned from Hollywood with Balaban, will wind up here during the next two weeks and then assume his new post at the studio. Zukor is scheduled to arrive in New York by the end of this week and will sail for London about Dec. 2. The permanency of Zukor's London assignment will depend on his findings following his arrival there, Balaban said. The Paramount president observed that the status of David Rose, supervisor of the company's British production, would not be disturbed. He said that Paramount's theatre policy in Britain would be determined by Zukor. The latter, however, probably will not absorb the work formerly handled by John C. Graham, who resigned recently as managing director at London. Indications are that John W. Hicks, Jr., Paramount foreign chief, will designate a successor to Graham before quitting London.

Efforts to Modify Italy Decree Fail

(Continued from page 1)

He has also conducted numerous meetings in Paris and London of European representatives in connection with the Italian situation. American companies have signified their intention of withdrawing from Italy by the end of the year if the decree is enforced in its present form. Companies operating their own branches there have begun liquidation of the Italian properties already.

20 Shows on B'way

"Lorelei," an anti-Nazi play of a refugee-scientist, by Jacques Deval, opens tonight at the Longacre. Production is by Richard Aldrich and Dennis King in association with Sir Cedric Hardwicke and Richard Myers with a cast which includes Philip Merivale, Doris Nolan, Dennis Hoey, Arnold Korff, Viola Roache and others.

Closing of "Run, Sheep, Run" on Saturday after 12 performances brought current productions on Broadway down to 20. Besides "Lorelei," other openings set for this week are "Where Do We Go From Here?" at the Vanderbilt tomorrow and "Ringside Seat" at the Guild on Saturday.

Radio Personals

CAL SWANSON, account executive at J. Walter Thompson, to Detroit for a few days on agency business . . . Frank Novak has added a swing quartette to his band . . . Ezra Stone of the Kate Smith program is making weekend trips to Boston to catch rehearsals of the new George Abbott show, "The Boys from Syracuse." Stone is to work as production assistant when the musical opens in New York next week . . . Jan Peerce has returned from a concert tour in Canada . . . Doris Rhodes set to swing on the CBS "Swing Session," Nov. 19.

Examiner Hearings Ordered by F.C.C.

WASHINGTON, Nov. 13.—Examiners' hearings have been ordered by the Federal Communications Commission on the applications of the Gateway Broadcasting Co., for an 880-kilocycle, 500-watt station at Louisville; Northwestern Broadcasting Association for a 1,310-kilocycle, 100-watt station at Evanston, Ill.; Bureau of Education for a 1,420-kilocycle, 100-watt, daytime station at Montebello, Cal., and Central Broadcasting Corp. for a 1,500-kilocycle station at Worcester, with 100 watts power night, 250 watts day.

Western Hearings Ordered

Hearings were also ordered on the applications of WHLS, Port Huron, Mich., for extension of time from day to unlimited with 100 watts night, 250 watts day; KFSD, San Diego, for increase of power from 1,000 to 5,000 watts, and KWK, St. Louis, for increase of night power from 1,000 to 5,000 watts.

A number of new applications have been received at the commission, including requests of KMJ, Fresno, Cal., for increase of day power from 1,000 to 5,000 watts; KERN, Bakersfield, Cal., for change of frequency from 1,370 to 1,380 kilocycles and increase of power from 100 to 1,000 watts; WENJ, Bridgeton, N. J., for extension of time from day to unlimited with 100 watts night, 250 watts day, and KOH, Reno, Nev., for change of frequency from 1,380 to 630 kilocycles and increase of power from 500 to 1,000 watts.

Light Hearing Week Set for Commission

WASHINGTON, Nov. 13.—The Federal Communications Commission has announced its schedule of hearings for the current week as follows:

Nov. 15, before an examiner: Application of WTOL, Toledo, for extension of time from day to unlimited.

Nov. 16, before an examiner: Applications of George H. Payne for a 1,440-kilocycle, 500-watt station at San Jose, Cal.; Olney Broadcasting Co. for a 1,210-kilocycle station at Olney, Ill., with 100 watts night, 250 watts day.

Nov. 17, before the commission: Application of Asheville *Daily News* for a 1,370-kilocycle, 100-watt station at Asheville, N. C.

F.C.C. Inquiry on Radio Activities Will Begin Today

WASHINGTON, Nov. 13.—The long-threatened investigation of chain broadcasting and monopoly in radio will get under way tomorrow with the opening of hearings by the Federal Communications Commission. Representatives of the national networks will be the first witnesses, to be followed by executives of the regional webs.

With Chairman Frank R. McNinch's plans for a "purge" of personnel reviving the menace of a Congressional investigation, the commission is seen as turning its monopoly probe into a "witch hunt" similar to its study of A. T. & T.

It was freely predicted in Washington tonight that the commission would seek out broadcasters who feel themselves aggrieved by the chains, and representatives of organizations which have been unable to secure all the time they desired on the air, to make a showing that monopoly and discrimination are rife.

The hearings probably will be completed by the time Congress meets in January and a strong report is expected to be prepared immediately, to be held for presentation to Congress as agitation for an investigation of the commission may become menacing. However, it is said, Chairman McNinch's "purge" plans have alienated members of Congress who last session fought on his side and sentiment is spreading for a Congressional study of just why he has failed to carry out President Roosevelt's instructions to "clean up" the commission.

Marvin Rae Joins WNEW

Marvin DeWitt Rae, Jr., formerly with the sales promotion department of NBC, and more recently a sales representative of *Radio Daily*, has joined the staff of WNEW in New York as promotion head.

French Were Right?

District Attorney Thomas E. Dewey, former Governor Alfred E. Smith, Rev. Elmer McKee, rector of St. George Protestant-Episcopal Church; Dr. Malcolm E. Fisher, Johann Smertenko, on WMCA, Friday night, 9:15-10 o'clock, keynoted American horror and revulsion on the pogroms now going on in Germany. It was an impressive program, especially for one which was conceived so quickly and arranged so effectively.

Rev. McKee reminded all that Jesus was a Jew and expressed Christian shame for what was going on now in the Reich. Dewey and Smith spoke of humanity's revulsion against Germany.

Smith stated that there was a time when Americans considered the Versailles terms a burden on Germany, but the French said then: "You don't know the Germans."

"Maybe the French were right," said Smith.

Fisher and Smertenko are of the Anti-Nazi League.

Donald Flamm and his associates arranged the program.

Don Lee Net, WTAG Join World System

Don Lee's network of 14 stations, and WTAG, Worcester, Mass., have joined the World Transcription System. Number of stations now in World's transcription setup is approximately 65, with the goal 100.

World's market analysis staff, recently organized in connection with the transcription system, now has as a member of its staff Ronald C. Oxford, formerly of the NBC statistical department. Oxford will compile statistics and market data in behalf of the stations in the transcription combine.

AFRA Will Talk Affiliation With Other Guilds in Radio

Principal matter of business to be taken up at the convention of the American Federation of Radio Artists, which goes into session today at St. Louis, will be the consideration of proposals seeking closer affiliation with other radio guilds, such as the broadcast technicians and the American Federation of Musicians, and with unions outside of radio, such as the Screen Actors' Guild, the agenda for the convention discloses.

A.F.R.A. heretofore has not maintained contacts with other unions, but leaders in the organization are now of the opinion that that much more can be accomplished by working cooperatively with the other unions. With this in view, representatives of various other unions in the entertainment field are attending the convention, including Florence Marston of the Screen Actors' Guild and Paul Turner of Equity Council.

The agenda for the convention follows:

Announcement of caucus of delegates on coordinating wage scales; reports of various committees and officers, including financial and constitutional; election of officers and board of directors; appointment of a standing committee on electrical transcription readings and slide films; future organizational activities of A.F.R.A.; discussions of amalgamation of A.F.R.A. and its sponsoring organization, the Associated Actors and Artistes of America; consideration of closer affiliation with the A. F. of M. and the organizations of broadcast technicians; a proposal seeking support of various resolutions affecting radio workers as proposed at the recent convention of the A. F. of L. in Houston, and selection of the place for the 1939 convention.

Attending the convention in St. Louis are 50 delegates, representing 14 A.F.R.A. locals. The New York delegation includes Mrs. Emily Holt, president; George Heller, assistant secretary.

19 Television Transmitters Over Country

(*Continued from page 1*)

to CBS's previous experimental expenditures.

Don Lee, in California, has spent around $1,000,000.

Philco, Farnsworth and Zenith, have spent large sums. DuMont, also.

For the greater part, RCA's transmitters are the most powerful, to date. Its W3XEP operates with a 30,000 visual power. Other powerful transmitters which are operating today include NBC's W2XBS, 12,000 watts; Philco's two transmitters, W3XE, 10,000 and W3XP, 15,000; Don Lee's W6XAO, 1,000.

The television stations now authorized, with their visual and aural power, follow:

CBS, New York, W2XAK, 50 visual, 750 aural; Don Lee, W6XAO, Los Angeles, 1,000 visual, 150 aural; Allen B. DuMont Laboratories, NEW (CP), Montclair, N. J., 50 visual, 50 aural; Farnsworth Television, W3XPF, Philadelphia, 250 visual, 1,000 aural; First National Television, W9XAL, Kansas City, 300 visual, 150 aural; General Television, W1XG, Boston, 500 visual; Kansas State College, W9XAK, Manhattan, Kan., 125 visual, 125 aural; NBC, W2XBS, New York, 12,000 visual, 15,000 aural; NBC portable, W2XBT, 400 visual, 100 aural; Philco, Philadelphia, W3XE, 10,000 visual, 10,000 aural; Philco, W3XP, 1,500 visual; Purdue University, W9XG, West Lafayette, Ind., 1,500 visual; Radio Pictures, Inc., W3XDR, Long Island, 1,000 visual, 500 aural; RCA, W3XAD (portable), 500 visual, 500 aural; RCA, W3XEP, 30,000 visual, 30,000 aural; RCA, W1OXX (portable-mobile), 50 visual, 50 aural; University of Iowa, W9XK, 100 visual; University of Iowa, W9XUI, 100 visual; Zenith Radio Corp., W9XZV (CP), 1,000 visual, 1,000 aural.

Muzak Rates Are Set For Sponsored Shows

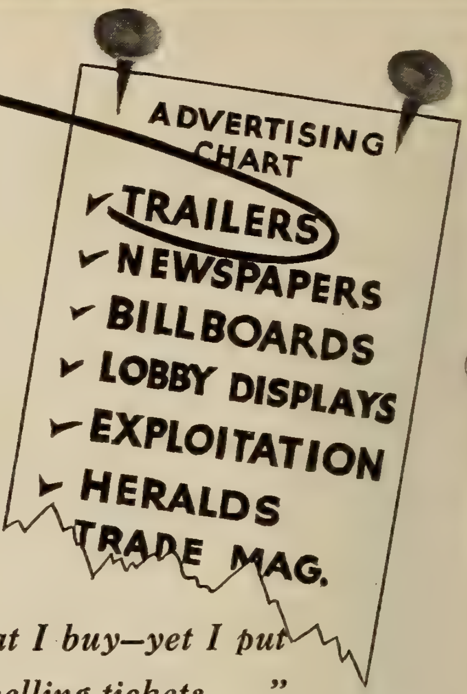
Rate card for sponsored programs on Muzak, which delivers musical programs to clients over especially leased wires, has now been prepared and will become effective Nov. 15. Muzak, a Warner subsidiary, serves bars, grills and restaurants of greater New York by direct wire with music, news and sports, and decision to offer its facilities to advertisers was recently taken.

The basic contract covers announcements during the luncheon, cocktail, dinner and supper periods. One announcement in each period, $15; two in each period, $27, and four, $50.

Covering the news periods, the rates for 15-second announcements is $15 for a day, $27.50 for two, and $37.50 for three. On the sports reviews, the rate is $25 per day for 15-second announcements, and $10 a day for time signals.

Discounts on the rate card range from 2½ per cent to 7½ per cent for contracts for from 14 to 52 weeks.

"Cheapest advertising I can buy"



• *"I consider my trailers the cheapest advertising that I buy—yet I put trailers at the top as being most important in actually selling tickets. . . ."*

No truer word was ever spoken than this remark by one of the 12,000 exhibitors who use National Screen Service.

Trailers ARE low in price . . . maybe too low . . . for the job they do. Measure them any way you like – they cost less per reader, per prospective customer, per circulation unit, per results! you KNOW how many ticket-buyers read your trailers—you can only guess when it comes to other advertising media.

Only bad trailers are expensive . . . because they do not sell tickets. Good trailers really cost nothing. They are an investment that return a grand, quick profit.

Ever figure what part of your gross you spend for trailers? Probably just a small fraction of one percent.

Don't waste your screen and money on inferior trailers. The best is always cheapest . . . NATIONAL SCREEN PRE-VUES . . . screen showmanship at its best!

NATIONAL SCREEN Service!

ATLANTA............167-73 Walton St., N.W.
BOSTON............36-38 Melrose St.
CHARLOTTE............219-21 Mint St.
CHICAGO............1307 So. Wabash Ave.
CINCINNATI....119 West Central Pkway.

CLEVELAND............2336 Payne Ave.
DALLAS............2012-16 Jackson St.
DENVER............2144 Champa St.
DES MOINES............1003½ High St.
DETROIT............2949 Cass Ave.

KANSAS CITY............1706 Wyandotte St.
LOS ANGELES ....2018 So. Vermont Ave.
MEMPHIS............500 So. 2nd St.
MINNEAPOLIS............1105 Currie Ave.
NEW ORLEANS......1431 Cleveland Ave.

NEW YORK............630 Ninth Ave.
PHILADELPHIA............1201-07 Vine St.
SAN FRANCISCO, 168 Golden Gate Ave.
ST. LOUIS............3318 Olive St.
SEATTLE............2418 Second Ave.

WASHINGTON, D. C., 920 New Jersey Ave., N.W.

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 44. NO. 96 NEW YORK, TUESDAY, NOVEMBER 15, 1938 TEN CENTS

Japanese May Open Door to 250 US Films

Fear of Anti-Jap Films Behind Compromise

Tokyo, Nov. 14.—With permits granted to the eight major American film companies to import about 90 features by the end of this year, it is held probable here that the Government will approve the import of about 160 additional features for which licenses are sought.

The real reason the Finance Ministry compromised with the American companies was the fear that otherwise Hollywood might produce anti-Japanese pictures, it is understood.

An upshot of the lifting of the import ban last month is that official censorship is expected to become more stringent, especially on American films. It has been indicated that the

(*Continued on page* 4)

Cincinnati Clamps Down Ban on Bingo

Cincinnati, Nov. 14.—City Manager C. O. Sherrill has definitely clamped down the lid on Bingo here, and arrests are expected to follow any violations of the order which goes into effect immediately. The game has long been conducted by churches and fraternal organizations, and drastic action has not heretofore been taken because proceeds were used for charity. Now, however, it is termed "a growing abuse which has become an organized business for

(*Continued on page* 4)

Van Beuren Rites to Be in Yonkers Today

Funeral services for the late Amedee J. Van Beuren, who died at his home in Carmel, N. Y., on Saturday, will be held today at the Church of the Holy Rosary, Yonkers, where a requiem mass will be offered at 11 A. M.

Van Beuren was formerly chairman of the board of Condor Pictures and president and general manager of the Van Beuren Corp. Prior to his entry into the film business he was associated in an executive capacity with the Van Beuren Bill Posting Corp., which was organized by his father. He produced shorts and features which were released through RKO. A heart attack several months ago forced his retirement from active business.

Commercial Radioed From N. Haven Stage

New Haven, Nov. 14.—WELI, New Haven, will inaugurate a half-hour weekly broadcast from the stage of the Loew-Poli College Sunday afternoon, sponsored by Spector's jewelry stores. The program is a combination of song talent, 10-piece orchestra and contest idea, called "Mystery Melodies." Audience is asked to identify songs presented by name and film. At conclusion of six weeks the show probably will take a week night spot.

Zukor to Supervise All Para. European Theatre, Film Field

Adolph Zukor probably will be given supervision over Paramount's entire European distribution and theatre operations in addition to heading the company's British activities, Stanton Griffis, chairman of the executive committee, said yesterday on his arrival in New York following his recent studio visit.

There is no indication at this time that Zukor will be replaced as chairman of the Paramount board of directors because of his extended absence from the country, indicated by his European assignment, it was said.

John W. Hicks, Paramount vice-president and foreign head, who is now in London, will be back in New York for the Christmas holidays.

DRAMA-FILM TRUCE POSSIBLE BY DEC. 15

Minimums No Obstacle as Technical Phases Only To Be Worked Out

There is agreement on 80 per cent of the essential terms of a supplementary pact to the Dramatists' Guild basic contract, having to do with film financing of legit production, and a tentative contract with full terms may be ready for submission to dramatists and managers before Dec. 15.

Principal matters still to be ironed out relate to technical phases which will insure the good faith of all parties to the contract and to stop possible loopholes. Under the present contract, the dramatist holds exclusive control over the sale of film rights to a play, but shares the proceeds with the producer. The modification would provide that where film companies provide the financial backing, rights to the play shall be sold before production for cash, with additional payments of a fixed percentage of the gross for each week of the show's Broadway run.

Since the length of the run deter-

(*Continued on page* 4)

Set Final Trade Meet Date Today

Date for a final trade practice negotiating meeting between the M.P.T.O.A. and distributors will be determined today at a conference between Sidney R. Kent, chairman of the distributors' committee, and Ed Kuykendall, M.P.T.O.A. president.

Kent and Kuykendall may hold preliminary conferences on the effective date of the trade practice program at their meeting today. The M.P.T.O.A. is urging that the program be placed in effect immediately upon its completion, whereas the distributors' commitee, although not finally committed, has suggested that it be held in abeyance until the new buying season. The M.P.T.O.A. and distributors are in agreement on all other major phases of the program. The final committee meeting is designed primarily to confer on the phraseology of the program and the effective date.

Won't Increase Canadian Seat Tax Next Year

Toronto, Nov. 14.—The Canadian Performing Right Society, Ltd., has made application to the Dominion Government for approval of its schedule of "fees, charges or royalties" which it proposes to impose during the 12 months commencing Jan. 1. Of importance to exhibitors across the country, it does not include any increase in the seat tax from that which was collected by the society during 1938.

At the same time the society has declared its intention of collecting an entirely new fee against every radio receiving set, privately owned or

(*Continued on page* 11)

Milwaukee Theatres Seek Operator Cut

Milwaukee, Nov. 14.—Milwaukee County exhibitors are seeking a 12½ per cent wage reduction from the Motion Picture Projectionists' Union, Local 164. The union is expected to vote on the proposal shortly at a gen-

(*Continued on page* 4)

Sarnoff Urges Trade Code For Radio, Scores Censors

Washington, Nov. 14. — David Sarnoff, president of RCA, testifying as the first witness to be called in the monopoly hearings being held by the Federal Communications Commission, came out for self-regulation of radio, admitting at the same time that network operations can be improved upon.

Additional developments in radio yesterday on page 11.

He suggested a fair practice code be set up for the trade. But whether or not he obtained his regulation theories from the highly systematized film industry was neither questioned nor indicated. (Filmdom is presently engaged in setting up a self-regulation code of its own.)

Stating that the "time has come for more positive action," Sarnoff said that out of such a coalition of experiences "an industry code should emerge that advances beyond all previous standards." Such a code, he said, "should be an act of voluntary self-regulation on the part of the entire broadcasting industry in the United States."

Opening the hearing, Sarnoff asserted that the fate of broadcasting in other nations makes it imperative for the radio industry in America to

(*Continued on page* 11)

◂ Purely Personal ▸

STANTON GRIFFIS, chairman of the Paramount executive committee, has made television in Paramount a fact. One of DuMont's new receivers has been installed in his office in the Paramount Building.

•

HERMAN WOBBER, 20th Century-Fox distribution chief, returned yesterday from the coast and may return there in 10 days for further conferences with DARRYL F. ZANUCK.

•

PAT CASEY is en route to Hollywood, where he will remain for about six weeks. He plans to be back in New York for the Christmas holidays.

•

EDWARD G. LEVY, M.P.T.O.A. general counsel, arrived in New York yesterday for the final trade practice conferences here.

•

SPYROS SKOURAS, National Theatres operation head, is expected back tomorrow from conferences with division heads.

•

H. M. RICHEY, director of exhibitor relations for RKO, is expected back Friday from a trip to Pittsburgh and Columbus.

•

DAVID O. SELZNICK is recovering from an attack of influenza in Bermuda, where he went for a brief vacation.

•

SONJA HENIE is in Houston on the first leg of her two-month skating tour with a troupe of 60.

•

DOUGLAS FAIRBANKS, SR., is expected in New York from Hollywood on Friday.

•

WILL H. HAYS plans to leave for the coast this weekend.

•

DICK ANDERSON is confined to St. Luke's Hospital.

•

H. J. YATES may leave for the coast late this week.

Bergman in Sales Post

CLEVELAND, Nov. 14.—I. J. Schmertz, local 20th Century-Fox branch manager, has named Edwin Bergman as city district sales manager succeeding "Davey" Davidson, who retired after 21 years with the company. Ted Scheinberg has been transferred from the Albany office to take over Bergman's former territory.

MITCHELL MAY, Jr.
CO., INC.
•
INSURANCE
Specializing
in requirements of the
Motion Picture Industry
75 Maiden Lane, New York
510 W. 6th St. Los Angeles

Insiders' Outlook

WALTER WANGER in the current issue of the flamboyant *Ken* complains about blackmail.

"Unless a picture-maker," says Mr. Wanger, "buys a considerable volume of advertising space for a new film, he is quite likely to see it roundly panned or at best damned with faint praise by some of the trade papers."

Blackmailers, journalistic or otherwise, exist because there are those who for reasons best known to themselves pay blackmail. Which reminds us—perhaps only capriciously—of the review in a Hollywood paper of Wanger's "Stand-In."

A producer, whether he be Mr. Wanger or another, ought to know that the bought and paid for review is simply pouring money down a rat-hole—in more ways than one. It is ignored by the exhibitor and fools no one but the producer who ought, after all, keep his weakness to himself.

▼ ▼

Decision whether investigation of the copyright situation shall be undertaken by the Federal Communications Commission as part of its probe of monopoly in broadcasting or by the temporary economic committee which launches its study Dec. 5, has not yet been reached.

Representatives of the two groups are negotiating, it was revealed during the examination of NBC officials by an F.C.C. committee. If the commission is to undertake the study it will enter into the hearings during testimony of NBC, which some years ago formed the Radio Music Co. to hold copyrights of a number of music publishers.

If the Administration monopoly committee reserves the copyright investigation for itself, NBC's activities in the copyright field will not be explored by the F.C.C., it was indicated.

▼ ▼

United Artists releases grossed strongly over the weekend. Company has four pictures out.

"The Cowboy and the Lady" returned $21,582 in its first four days at Warners' Hollywood and Downtown, Los Angeles, to finish 60 per cent over average and earn a second-week holdover on the twin booking. In four Fox West Coast locales, the same picture did $1,740 over the weekend in Bakersfield, $1,270 in Santa Ana, $1,580 in Pomona and $1,015 in Ventura. "The Young in Heart" took $11,000 in four days at the Aldine, Philadelphia, to earn a holdover. At the Orpheum, Omaha, it did $5,700 in three days, and at the Paramount, Des Moines, it was 50 per cent over average with $4,900 for three days. At the Music Hall, the first four days of its second week tallied $56,900, compared with $54,800 for the first four days of its opening week.

"There Goes My Heart" took $11,700 in four days at the Albee, Cincinnati, and "Drums" garnered $4,700 in its first five days at the Ritz, Albany, and $3,532 for Saturday and Sunday at the State, Rockford, Ill., setting what is believed a new opening weekend record there.

▼ ▼

Plans for opening film houses in key cities to road shows of legitimate stage productions has been presented to the American Theatre Council for discussion with industry heads, *Equity*, organ of Actors Equity, will reveal today. The suggestion was made in the belief that road shows would stimulate interest in the theatre and would prove a valuable training ground for screen talent.

Conn. MPTO Special Session on Thursday

NEW HAVEN, Nov. 14.—Connecticut M.P.T.O. has called a special luncheon meeting at the Hofbrau Haus Restaurant on Thursday. Reports on the M.P.T.O.A. convention in Oklahoma City and the trade practices talks will be given by Irving C. Jacocks, Jr., president; Arthur Lockwood, first vice-president, and Edward G. Levy, executive secretary.

Toronto Fighting Bingo

TORONTO, Nov. 14.—Toronto Police Department continues to conduct a crusade against Bingo. In the latest case, Egbert Harte was fined $200 by Magistrate Browne in Toronto Police Court for operating Bingo and the equipment seized in the raid was confiscated.

Canadian Loew Deal Is Renewed by U. A.

TORONTO, Nov. 14.—United Artists Corp., Ltd., has renewed its contract for two years for first runs in Toronto and London, Ont., with the Loew house in each of these cities, the agreements also including bookings on London Films' productions which are now controlled in the Dominion by United Artists.

Alexander Korda's "Drums" is scheduled to play the Uptown here, following "You Can't Take It With You," now in its fifth week, having been transferred to the Famous Players' house under the compromise reached between President N. L. Nathanson of Famous Players Canadian and London Films in settlement of the dispute over the five-year contract for Canadian distribution by Regal Films, Ltd., also controlled by Nathanson.

Myers and Rodner On Ohio ITO List

COLUMBUS, Nov. 14.—Annual convention of the I.T.O. of Ohio will open here tomorrow for two days, with Abram F. Myers, national Allied general counsel, as a principal speaker. Sessions will be held at the Deshler-Wallick Hotel.

Among speakers listed on the program are Harold Rodner, executive vice-president of the Will Rogers Memorial Foundation; H. M. Richey, former Allied leader, now director of exhibitor relations for RKO; Harry Goldberg, director of advertising and publicity for the Warner circuit; Edward Golden, Monogram vice-president.

Newly elected state officials are scheduled to attend the banquet Tuesday night. A display of theatre equipment and accessories will be held.

Legion Approves 10 Of 11 New Pictures

National Legion of Decency has approved 10 of 11 new pictures for the current week, eight for general patronage, two for adults, and has classified one as objectionable in part. The new films and their classification follow:

Class A-1, Unobjectionable for General Patronage—"Exposed," "Frontier Scout," "Gangster's Boy," "Lawless Valley," "Law of the Texan," "Spring Madness," "Torchy Gets Her Man," "West of Santa Fe." Class A-2, Unobjectionable for Adults—"Artists and Models Abroad," "Secrets of a Nurse." Class B, Objectionable in Part—"Angels With Dirty Faces."

Condor Denial Entered

Condor Pictures, Inc., George Hirliman, president, Frank Snell and other officers and directors of Condor Pictures yesterday filed their answer in the U. S. District Court to the $50,000 damage suit of 100 stockholders of Condor. The defendants denied a charge that they had filed an untrue financial statement with the SEC, and that the suit was barred by the statute of limitations.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco. New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

Mademoiselle from Paramount...*parlez-vous*

Mademoiselle from Paramount...*parlez-vous*

When Olympe kisses Ray *Milland*

...Exhibitors strike up the *band*

For every kiss means another *grand**

...*Hinky-dinky, parlez-vous*

SAY IT IN ENGLISH, SAY IT IN AMERICAN,

SAY IT IN FRENCH,

it's beaucoup terrific!

"SAY IT IN FRENCH"
with
Ray Milland • Olympe Bradna
Irene Hervey • Janet Beecher • Mary
Carlisle • A Paramount Picture • Directed by
Andrew L. Stone • Screen Play by Frederick Jackson

*at the box-office

Japanese May Open Door to 250 US Films

(Continued from page 1)

censor boards will be more watchful to see that only films compatible with Japanese policies are permitted to enter.

The 90 features permitted to enter under the arrangement reached Oct. 15 are about one-third the number for which permits were asked. Prospects for better business by American companies are now seen at least for the forthcoming half year, as it is considered likely that import permits will continue to be given for the balance.

The agreement between the Finance Office and the AMPA of Japan, which includes the eight big American companies, provides:

1. Import of films handled by these companies is permitted up to $30,000 print cost, as calculated at one and a half cents a foot, for September, October, November and December.

2. Remittance of accumulated royalties, plus the royalties obtainable for the last four months of this year, shall be approved up to maximum of 3,000,000 yen ($825,000 at the current rate of exchange in New York) on condition this amount will not be paid immediately to the New York home offices but remain with the San Francisco branch of the Yokohama Specie Bank without interest for three years.

Eight Seek Permits

The eight companies applied for import permits last August, and the present arrangement derives from that application. A small number of short subjects were given import licenses in September, about a month before the agreement covering features was reached.

Japan's import permit covers all foreign films. A dozen independent Japanese film companies, handling European and American product exclusive of that imported by the eight major firms, have also been given permits, although for a smaller number of pictures.

Manchukuo Motion Picture Association has agreed to supply the independent Japanese companies with 40 German pictures which are being imported into Manchukuo. This agreement results from a reciprocal trade agreement signed early this year between Manchukuo and Germany.

Of the 12 companies which have been permitted to distribute the 40 German films, four, including Towa Shoji, Sanyei-sha, Kokko and Sanwa-Shoji, will get 20 films, and the other eight companies get the other half at the rate of about two per company.

Standard Forms Own Distribution System

Standard Pictures is setting up its own distributing organization, to be known as Standard Distributing Corp. to market its 12 films. The firm will endeavor to set up a sales organization in principle keys. Officers of Standard are B. W. Richards, president; George E. Trainer secretary and general manager; H. C. Leavitt, vice-president; George Laganas, treasurer.

Stockholder Sues Smith-Rogers Firm

Proceedings were instituted yesterday in the N. Y. Supreme Court by William Mayer as stockholder to compel S. M. M. H. Corp., C-Lens Corp. and Studio C-Lens Corp. to turn over their books and records to him for inspection.

The application also named respondents Courtland Smith as president, and Saul Rogers, as secretary of the companies and stated that the purpose of the inspection was to determine why no dividends had been paid by the corporation. According to the petition, S. M. M. H. Corp. is engaged in making non-intermittent cameras and projectors for motion pictures. C-Lens Corp. is a holding company on patents covering film projector lenses and Studio C-Lens Corp., which manufactures lenses, has allegedly made contracts with M-G-M, Pathe News and other companies.

Trampe on Milwaukee Pictures Commission

MILWAUKEE, Nov. 14. — Mayor Daniel W. Hoan has named Charles W. Trampe to the film commission to fill the vacancy created by the resignation of George Fischer.

Trampe is head of Monogram Mid-West Film Co. and Film Service, Inc.; chief barker of the local Variety tent, president of the Film Board, and is also affiliated with the Fox organization as a partner in several theatres. He recently was honored by the industry on the occasion of his 25th anniversary in the business.

Postpone UA Board Meet

Meeting of the United Artists board of directors scheduled for yesterday was postponed until next week to accommodate Mary Pickford and Douglas Fairbanks, both of whom are out of the city. Understood the meeting may be held Nov. 25, although a definite date has not been set yet.

Annual meeting of United Artists stockholders, scheduled for Friday, may be further postponed.

Stassen May Not Back Divorcement

Minneapolis, Nov. 14.—Governor-elect Harold Stassen may oppose the theatre divorcement bill which is expected to be introduced in the legislature early next year, according to the belief in industry circles here. Stassen is more conservative than Gov. Elmer Benson, who was defeated.

However, on the basis of a poll taken under the direction of W. A. Steffes, Northwest Allied head, he says that the new legislature will favor the measure.

Milwaukee Theatres Seek Operator Cut

(Continued from page 1)

eral meeting. Exhibitors maintain that they require relief if they are to continue in business. A two-year contract signed with the union a year ago provided for a 2½ per cent increase in projectionists' wages, effective Nov. 1 of this year, but exhibitors have refused, to date, to pay the increase and now request additional relief.

Directors Are Named By Ohio Cooperative

CLEVELAND, Nov. 14.—Members of Cooperative Theatres of Ohio, formed by Milton A. Mooney, have elected the following directors: Paul Gusdanovic, James E. Scoville, Frank Porozynski, Albert E. Ptak, all of Cleveland; F. E. Price, Newark and W. A. Smith, Akron. New members of Cooperative Theatres of Ohio include the Union, Cleveland; Lincoln, Dennison, and Ohio and State, Uhrichsville, bringing the total to 35 theatres.

Dramatists-Film Truce May Be Possible by December 15

(Continued from page 1)

mines the price of the play, the dramatists are seeking safeguards to prevent the premature closing of shows. A formula is being drafted under which the producer would continue the show when certain basic costs are met. However, it is to be recognized that all possibilities cannot be foreseen, and an arbitration board may be set up for the hearing of disputes. Such a board, of course, would have to be prepared to meet on short notice and render final decisions within a few hours.

Terms of sale might be subject to individual negotiation, with certain minimums. Although the minimums have not yet been fixed, it is understood that they do not constitute a major obstacle. Jake Wilk, Warner story editor, is sitting in on discussions with Sidney R. Fleischer, Guild attorney, and Luise Sillcox, who act for the dramatists. Guild officials profess ignorance of whether Wilk is acting only for Warners or on behalf of all major studios, but point out that any company would be welcome at the conferences and that the final agreement will be available on the same terms to all.

When a tentative agreement is reached, it will be submitted to the Guild council, which will present the matter to a special meeting of the entire membership. Approval will also be required from theatrical managers who are also parties to the basic contract. Emphasis is made that any agreement now reached will not change the present contract but will merely add a supplementary provision.

Coast Studios Set Production Mark; 45 Films in Work

HOLLYWOOD, Nov. 14.—Forty-five pictures are in work this week, one more than last week's total, as 10 finished and 11 started. Twenty-two are being prepared and 72 are being edited.

Started were: "Rio Grande Round-up," Columbia; "Exile Express," Coronado; "Skids," M-G-M; "White Slaves," RKO; "Shine on, Harvest Moon," Republic; "Dangerous Cargo," 20th Century-Fox; "The Phantom Stage," "Newsboys' Home," "The Son of Frankenstein," Universal; "Dodge City," Warners.

Shooting, in addition to these, were: "Ice Follies," "Honolulu," "The Wizard of Oz," "The Awakening of Katherine," "Idiot's Delight," "I Take That Woman," M-G-M; "Cafe Society," "Hotel Imperial," "Never Say Die," "Persons in Hiding," "Parents on Probation," "Union Pacific," and "Bulldog Drummond's Secret Police," Paramount; "The Pure in Mind," "Love Affair," "The Great Man Votes," "Pacific Liner," "The Castles," "Beauty for the Asking," RKO; "Federal Man Hunt," Republic; "It's Spring Again," Roach; "Tail Spin," "The Little Princess," "Charlie Chan in Honolulu," "Wife, Husband and Friend," "Dangerous Cargo," 20th Century-Fox; "Swing, Sister, Swing," "Gambling Ship," Universal; "Stage Coach," Wanger; "Dark Victory," "Oklahoma Kid," "Yes, My Darling Daughter," "Always Leave Them Laughing," "The Adventures of Jane Arden," "Nancy Drew, Reporter" and "Dodge City," Warners.

Warners here probably will have 75 per cent of its scheduled product for the 1938-39 season completed by Jan. 1. With 28 features already completed for the season, 39 of its productions should be ready for release by the first of the year.

Finished were: "There's That Woman Again," "California Cavalcade," Columbia; "Lady Buckaroo," Coronado; "Stand Up and Fight," "A Christmas Carol," M-G-M; "Desert Bracelets," Paramount; "Red River Range," Republic; "The Three Musketeers," 20th Century-Fox; "Little Tough Guys in Society" and "Pirates of the Skies," Universal.

M-G-M started two short subjects and Columbia one. Four are being prepared, and 11 are being edited.

Cincinnati Clamps Down Ban on Bingo

(Continued from page 1)

revenue." Both downtown and suburban theatres have experienced appreciable declines in attendance for which exhibitors claim Bingo has been directly responsible.

Concurrently with release of the city order, State Senator Lawrence A. Kane announced he would draft a bill for introduction at the General Assembly convening in January, to amend the gambling laws to legalize the game sponsored for educational or charitable purposes.

"Brother Rat" Phila. Leader With $16,000

PHILADELPHIA, Nov. 14.—No smashes were recorded here, but the general trend was optimistic. "Brother Rat" gleaned $16,000 at the Fox. "Man to Remember" did a strong $9,000 at the Aldine.

Best grosses of the week—though it wasn't sensational for the house—was the $18,000 figure at the Earle for the stage-screen bill of Horace Heidt and "Broadway Musketeers." "Men With Wings" was strong.

Estimated takings for the week ending Nov. 11:

"Man to Remember" (RKO)
ALDINE—(1,300) (40c-55c-65c) 7 days. Gross: $9,000. (Average, $8,160)

"Marie Antoinette" (M-G-M)
ARCADIA—(600) (25c-40c-55c) 7 days. Gross: $2,700. (Average, $2,800)

"The Citadel" (M-G-M)
BOYD—(2,400) (40c-55c-65c) 7 days, 2nd week. Gross: $10,000. (Average, $14,000)

"Broadway Musketeers" (W. B.)
EARLE—(2,000) (25c-40c-55c) 6 days. Stage: Horace Heidt, orchestra and revue. Gross: $18,000. (Average, $14,000)

"Brother Rat" (W. B.)
FOX—(3,000) (40c-55c-65c) 7 days. Gross: $16,000. (Average, $14,000)

"You Can't Take It With You" (Col.) (2nd run)
KARLTON—(1,000) (25c-40c-55c) 7 days, 2nd week. Gross: $3,800. (Average, $4,000)

"There Goes My Heart" (U. A.)
KEITH'S—(2,000) (25c-40c-55c) 7 days. Gross: $3,200. (Average, $4,000)

"Men With Wings" (Para.)
STANLEY—(3,700) (40c-55c-65c) 7 days. Gross: $15,000. (Average, $14,000)

"Dark Rapture" (Univ.)
STANTON—(1,700) (25c-40c-55c) 7 days. Gross: $6,000. (Average, $7,000)

Washington's Allied Headed by C.H. Olive

WASHINGTON, Nov. 14.—C. H. Olive has been elected president of Allied Theatre Owners of the District of Columbia for a fifth term. He represents the unit on the national Allied board.

Others elected are: Ashley Abendschein, vice-president; John H. Hiser, treasurer; Benjamin Tendler, chairman, board of directors; W. R. Gingall, secretary.

The unit is seeking to increase its membership by inviting exhibitors from nearby Virginia and Maryland to become members.

William E. S. Wilcox, who recently sold his interests to Warners, has submitted his resignation. Fred S. Kogod, owner of the Atlas Theatre and a leader in the independent grocer's fight against the chains, has been accepted as a member.

Charles Mack Dies

CINCINNATI, Nov. 14.—Charles Mack, 73, vaudeville trouper for 50 years, formerly teamed with Charles Murray, now in pictures, died at his home here following a long illness. A daughter and sister survive.

Felix Hermann Passes

NEW ORLEANS, Nov. 14.—Felix A. Hermann, known to theatre patrons of former years as "Herman the Great," a competitor of Thurston, Blackstone and other magicians, died here at the age of 56.

Bowers Play Opens Vanderbilt Tonight

"Where Do We Go From Here?" a comedy by William Bowers set in a midwestern fraternity house, opens tonight at the Vanderbilt. Oscar Hamerstein and Dwight Taylor are the producers, with the staging done by Anatole Winogradoff. The cast includes Michael Owen, John James, Stanley Becker, Edmund Glover, Don DeFore and others.

Opening of "Lorelei" which was set for last night, was switched at the last moment to Thursday.

"Manton's" $18,700 and "Suez" $17,400 Top San Francisco

SAN FRANCISCO, Nov. 14.—"Suez" drew the week's best gross, with $17,400 at the Paramount. Close behind was "The Mad Miss Manton" at the Golden Gate, with $18,700.

"Men With Wings" took $14,500 at the Fox, a strong second week's gross.

Estimated takings for the week ending Nov. 8-11:

"The Mad Miss Manton" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days. Stage: vaudeville. Gross: $18,700. (Average, $16,000)

"There Goes My Heart" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c-65c) 7 days, 2nd week. Gross: $7,000. (Average, $7,000)

"That Certain Age" (U.)
"Personal Secretary" (U.)
ORPHEUM—(2,440) (15c-35c-40c-55c) 7 days, 3rd week. Gross: $8,800. (Average, $8,500)

"Suez" (20th-Fox)
PARAMOUNT—(2,740) (15c-35c-40c-55c-75c) 7 days. Gross: $17,400. (Average, $13,000)

"Men With Wings" (Para.)
FOX—(5,000) (15c-35c-40c-55c-75c) 7 days, 2nd week. Gross: $14,500. (Average, $17,000)

"If I Were King" (Para.)
"Always in Trouble" (20th-Fox)
ST. FRANCIS—(1,400) (15c-35c-40c-55c-75c) 7 days, 3rd week. Gross: $6,500. (Average, $7,000)

"The Sisters" (W. B.)
"Sharpshooters" (20th-Fox)
WARFIELD—(2,680) (15c-35c-40c-55c-75c) 7 days, 2nd week. Gross: $10,500. (Average, $13,000)

"Grand Illusion" (World)
CLAY—(400) (15c-35c-40c) 7 days. Gross: $1,200. (Average, $1,300)

"Moonlight Sonata" (U. A.)
LARKIN—(390) (15c-35c-40c) 7 days, 3rd week. Gross: $1,050. (Average, $1,300)

Arkansas I. T. O. Will Hold Meeting Nov. 20

LITTLE ROCK, Ark., Nov. 14.—Arkansas Independent Theatre Owners will meet here Nov. 20 and 21, with J. F. Norman, president, presiding.

Invited as speakers have been Ed Kuykendall, president of the M.P.T.O.A.; Terry Ramsaye, editor MOTION PICTURE HERALD. Jack Hoxie, Tex Ritter and Gene Autry, western stars, have been invited to attend from the coast.

Open House in N. C.

BOONE, N. C., Nov. 14.—The Appalachian, new 1,000-seat house, has been opened here by Fuller Sams, Jr., of Winston-Salem.

College Rally Helps "Darling" to $9,400

OMAHA, Nov. 14.—"Listen Darling" and "Sons of the Legion" grossed $9,400 at the Orpheum. Creighton University rally on stage one night helped boost gross.

"Arkansas Traveler" and "Freshman Year" pulled $7,400 at the Omaha. "Mad Miss Manton" and "Disney's Revue" were good for $5,400 at the Brandeis.

Estimated takings for the week ending Nov. 9-12:

"The Mad Miss Manton" (RKO)
"Disney's Novelty Revue" (RKO)
BRANDEIS—(1,200) (25c-35c-40c) 7 days. Gross: $5,400. (Average, $4,000)

"The Arkansas Traveler" (Para.)
"Freshman Year" (Univ.)
OMAHA—(2,200) (25c-40c) 7 days. Gross: $7,400. (Average, $5,500)

"Listen Darling" (M-G-M)
"Son of the Legion" (Para.)
ORPHEUM—(3,000) (25c-40c) 7 days. Gross: $9,400. (Average, $7,200)

"Mars Attacks the World" (Univ.)
"Magnificent Obsession" (Univ.)
PARAMOUNT—(3,000) (15c-25c) 7 days. Gross: $5,100. (Average, $4,500)

"Citadel" $10,000, New Haven Leader

NEW HAVEN, Nov. 14.—"The Citadel" and "Listen Darling" grossed $10,000 at the Loew-Poli, and moved to the College for a second week.

"Garden of the Moon" and "Girls on Probation" ran six days at the Roger Sherman to do $4,600. The Paramount took $3,600 with "King of Alcatraz" and "Campus Confessions."

Estimated takings for the week ending Nov. 11:

"Suez" (20th-Fox)
"Keep Smiling" (20th-Fox)
COLLEGE—(1,499) (35c-50c) 7 days, 2nd week. Gross: $3,000. (Average, $2,500)

"The Citadel" (M-G-M)
"Listen Darling" (M-G-M)
LOEW-POLI—(3,040) (35c-50c) 7 days. Gross: $10,000. (Average, $8,000)

"King of Alcatraz" (Para.)
"Campus Confessions" (Para.)
PARAMOUNT—(2,348) (35c-50c) 6 days. Gross: $3,600. (Average, $4,400)

"Garden of the Moon" (W. B.)
"Girls on Probation" (W. B.)
ROGER SHERMAN—(2,200) (35c-50c) 6 days. Gross: $4,600. (Average, $4,700)

Americans Invited to Discuss FBI Future

LONDON, Nov. 14.—American and British producers have been invited by Capt. Richard Norton to attend a dinner of the Film Group of the Federation of British Industries tomorrow, to discuss the future course of the organization.

The film group was reported recently to be on the verge of disbanding. Understanding is American producers here may be invited to join the group through enlarging of its scope. Norton is expected to explain the past and current functions of the organization and the value of such an organization.

John Maxwell and Mark Ostrer will not attend, but Robert T. Kane of 20th Century-Fox, David Rose of Paramount and Jerome Jackson of Warners have accepted invitations and Ben Goetz of M-G-M will be represented.

W. B. Date "Dawn"

Warners plan to open "Dawn Patrol" day and date in London and New York.

"Suez" Cracks Whip in Loop With $46,000

CHICAGO, Nov. 14.—"Suez" swept into the Loop last week to gross $46,000 at the Chicago. The picture stays a second week with Frankie Masters band replacing the Hal Kemp outfit.

The United Artists with "The Citadel" did a strong $17,500. "Brother Rat" at the Roosevelt scored big, $14,300, and stays another week. The weather was unsettled and much colder most of the week, which hurt business some.

Estimated takings for the week ending Nov. 8-11:

"If I Were King" (Para.)
APOLLO—(1,400) (35c-55c-65c) 7 days. Gross: $6,500. (Average, $6,500)

"Suez" (20th-Cent)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Hal Kemp & Band. Gross: $46,000. (Average, $32,000)

"The Mad Miss Manton" (RKO)
PALACE—(2,500) (35c-55c-75c) 7 days. Stage: Gene Autry and Revue. Gross: $10,000. (Average, $19,000)

"Smashing the Rackets" (Col.)
STATE-LAKE—(2,776) (20c-30c-40c) 7 days. Stage: Verne Buck and Revue. Gross: $13,000. (Average, $13,000)

"Girls On Probation" (F. N.)
"Garden of The Moon" (F. N.)
GARRICK—(900) (30c-40c-50c) 7 days. Gross: $6,400. (Average, $6,500)

"Brother Rat" (W. B.)
ROOSEVELT—(1,300) (35c-55c-75c) 7 days. Gross: $14,300. (Average, $11,000)

"Citadel" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days. Gross: $17,500. (Average, $15,000)

"Room Service" Is High for Montreal

MONTREAL, Nov. 14.—"Room Service," dualled with "The Missing Guest," took $9,000 at the Capitol. Second week of "You Can't Take It With You" at the Palace registered $7,500, while "Four's a Crowd" and a second feature accounted for $6,000 at the Princess. Loew's, with "Vacation from Love" and six vaudeville acts, drew $6,500.

Estimated takings for the week ending Nov. 12:

"Room Service" (RKO)
"The Missing Guest" (Univ.)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: $9,000. (Average, $9,500)

"Vacation from Love" (M-G-M)
LOEW'S—(2,800) (25c-40c-50c) 7 days. Stage: Six vaudeville acts. Gross: $6,500. (Average, $8,000)

"Youth Takes a Fling" (Univ.)
"Lady in the Morgue" (Univ.)
ORPHEUM—(919) (25c-35c-50c) 7 days. Gross: $3,500. (Average, $5,000)

"You Can't Take It With You" (Col.)
PALACE—(2,600) (25c-40c-55c-65c) 7 days, 2nd week. Gross: $7,500. (Average, $11,000)

"Four's a Crowd" (W. B.)
"Torchy Blane in Panama" (W. B.)
PRINCESS—(2,272) (25c-35c-50c-65c) 7 days. Gross: $6,000. (Average, $7,000)

L. E. Royster Dies

KANSAS CITY, Nov. 14.—L. E. Royster, salesman for Columbia in Kansas, died at Dodge City, Kan., from injuries suffered when his car was blown off the road by a high wind and turned over several times.

Hold Hatfield Rites

BOSTON, Nov. 14.—Funeral services were held in Newton yesterday for C. E. Hatfield, head of the University Theatre in Cambridge and well known banker and politician. He was 76.

BIG PARADE OF THE NAVY MARCH

PACING 20TH'S VERY BIGGEST!

CRITICS RAVE!

WASHINGTON - BIGGEST BUSINESS OF ALL 20TH PICTURES TO PLAY THE CAPITOL THIS SEASON. "SURE FIRE ENTERTAINMENT" SAYS WASHINGTON POST.

SAN DIEGO - OUTGROSSED EVERY ATTRACTION AT THIS HOUSE BUT "ALEXANDER'S RAGTIME BAND'S" ALL-TIME RECORD AND SMASHING "IN OLD CHICAGO" SOCKO TAKE.

SUBM

NEW HIGHS IN ALL EARLY RUNS!

EPTH-BOMBING ALL OPPOSITION! . .

ACKED HOUSES CHEER! . . IT'S IN!

BALTIMORE - HOLDOVER WEEK ASSURED

AS SMASH S.R.O. PACE THREATENS "SUEZ" RECORD.

"SALUTE FOR DARRYL F. ZANUCK AND JOHN FORD" SAYS THE SUN.

RINE PATROL

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

Short Subjects

"Titans of the Deep"

(Grand National)

This record of the undersea explorations of Dr. William Beebe and Otis Barton in the latter's Bathysphere is at all times interesting and occasionally exciting screen fare. With the story and narration given expert treatment vocally by Lowell Thomas, the film record of the scientific expedition into the Caribbean Sea provides for the audience an insight into the active life carried on far beneath the surface.

Highlighting the subject, which falls into the lengthy short subject classification, are pictures of fights between a crocodile and a shark, a crocodile and a bull, and the amazing victory of an octopus over an enormous lobster, which is finally enveloped and devoured. Numerous remarkable underwater shots have been obtained from the Bathysphere and with Barton's special underwater camera, protected in a watertight box, and set up on a tripod on the floor of the sea. A narrow escape or two by the divers attached to the expedition lends a touch of dramatic excitement to the record. There is a laugh at the end, as Barton has a tussle with a shark, and the fish swallows his camera, the tripod protruding from its mouth. The fish is cut open to rescue the camera. Running time, 39 mins. "G."*

"Madeira, Isle of Romance"

(FitzPatrick-M-G-M)

Some beautiful color photography is presented with music and comment as a ship approaches the mountainous coast of Madeira. Varied scenes are shown—sleds on the cobblestones, women doing embroidery, vistas of shore lines. It is very interesting. Running time, 8 mins. "G."*

"Sailor Mouse"

(Universal)

The adventures of a baby mouse who decides to run away to sea are depicted in this Walter Lantz cartoon. His troubles start when he is told that he must steal the cheese from the captain's table to be a true sailor. The chase that follows is good for a number of chuckles. Running time, 7 mins. "G."*

"Paramount Pictorial P8-4"

(Paramount)

Modern methods in the search for oil, bathing girls at Miami Beach, and mountain climbing make up this Pictorial. The difficult sport of scaling mountains is compared with the ease with which goats ascend the heights. Dull. Running time, 10 mins. "G."*

"Patio Serenade"

(Universal)

This Mentone Brevity presents a fast moving but somewhat lengthy variety program set in a Spanish night club background. The songs, with one exception, are in Spanish. Several dance numbers are included. Running time, 17 mins. "G."*

****"G" denotes general audience classification.***

Hollywood Preview

"Spring Madness"

(M-G-M)

Hollywood, Nov. 14.—This is a college life picture in which there is no football, baseball, basketball game, crew race or track meet. Yet, considered from an entertainment standpoint, "Spring Madness" has what it takes to attract patron attention and provoke approving comment. All the players presented are either college men or co-eds. In the characters they assume, the manner in which they deliver their lines and handle the situations created for them, Maureen O'Sullivan, Lew Ayres, Ruth Hussey, Burgess Meredith, Ann Morris, Jacqueline Wells, Frank Albertson, Marjorie Gateson, Renee Riana, Sterling Holloway and Dick Baldwin work with smooth precision. Based on Philip Barry's play, "Spring Dance," the screenplay devised by Associate Producer Edward Chodorov is humorous, lively and peppy, qualities which are stressed in S. Sylvan Simon's direction.

About to graduate, Ayres has a keen desire to go to Russia. Meredith fans the flames of that ambition, also strives comically, heroically and futilely to toss a wet blanket over Ayers' romantic inclinations. But Miss O'Sullivan is in love with Ayers and he with her. She doesn't want him to go away. Things look dark for the lovers until her sorority mates take a hand in proceedings.

Good and wholesome modern fun, there are also several sentimental moments in "Spring Madness. The film should be satisfying entertainment for patrons of both genders above the second year in high school, the collegiate sets and adults with or without memories of campus days.

Running time 65 minutes. "G."* G. McC.

**"G" denotes general audience classification.*

Out Hollywood Way

Hollywood, Nov. 14.—Lew Ayres has been assigned to play opposite Jeanette MacDonald in "Remember Tomorrow," which will be Robert Z. Leonard's first assignment as a producing director at M-G-M . . . RKO has acquired the rights to the French film, "Little Mother," and will remake it as a vehicle for Ginger Rogers . . . Paramount has purchased "Moon Over Burma," unpublished novel by Wilson Collison, and will star George Raft, Dorothy Lamour and Fred MacMurray in it . . . New M-G-M-Harman-Ising cartoons—"Goldilocks and the Three Bears," "The Little Goldfish" and "The Art Gallery"—will be ready for release in December . . . RKO has changed the title of "What's Your Number" to "12 Crowded Hours."

Richard Thorpe, relieved of the direction of "The Wizard of Oz," will direct M-G-M's "Huckleberry Finn," to star Mickey Rooney . . . Cecilia Parker has been given the lead opposite Dennis O'Keefe in "Skids," first of the sports adventure series M-G-M plans with O'Keefe in the top role. . . . Al Jennings has been signed to play in Warners' "Oklahoma Kid," as well as act as technical director . . . Warners has purchased "The Holy Terror," magazine story by George Carleton Brown of a football star and boxer, and will star Wayne Morris.

✚

Casting—Edward Arnold and Burgess Meredith draw featured roles in M-G-M's "Idiot's Delight" . . . Other M-G-M castings: Alexander Darcy to "Katherine the Last;" Forrester Harvey and Ronald Sinclair to "A Christmas Carol;" Willie Fung and Clarence Kolb to "Honolulu;" Charles Grapewin to "Stand Up and Fight;" Lionel Stander to "Ice Follies" . . . Warner assignments: Rudolph Forster, German actor, to "Juarez;" Dan Wolheim and Charles Middleton to "Oklahoma Kid;" Roland Young to "Yes, My Darling Daughter;" Gloria Holden and Ann Sheridan to "Dodge City," and Frankie Burke, youth who resembles Jimmy Cagney, to "Hell's Kitchen" . . . Paramount placements: Elaine Barrie to "Midnight;" Anthony Quinn and William Haade to "Union Pacific," and Mary ("Punkins") Parker to "Cafe Society" . . . Edmund Lowe to "Newsboys' Home," Universal . . . Astrid Allwyn to "Love Affair," RKO . . . Ben Weldon and Jerry Tucker to "Federal Man Hunt," Republic . . . Lee Patrick to "Fisherman's Wharf," Principal-RKO.

✚

Contracts—Rand Brooks, little theatre actor, has been signed by M-G-M. . . . Same company has extended the contract of Miliza Korjus, and has extended the pact of Salka Viertel, writer.

✚

Writers—Ben Hecht has been signed by M-G-M to write "Let Freedom Ring" . . . Donald Ogden Stewart has been signed by RKO to polish up the script of "Love Affair," now shooting . . . RKO also has contracted Aben Kandel to work on a story for Eddie Cantor, to be produced by Pandro S. Berman . . . Herbert Clyde Lewis and Ian Hunter (not the actor) will write the story for "Wings of Tomorrow" for Sol Lesser . . . Paramount has assigned Laura and S. J. Perelman to write the Gene Krupa vehicle . . . Casey Robinson is doing the screenplay for the Louis Bromfield story, "And It All Came True," at Warners.

Short Subjects

"How to Watch Football"

(M-G-M)

Robert Benchley gives what to many will prove a riotous description of how to watch a football game. The narrative begins with Benchley wearing a dressing gown and sipping a highball. His mind turns back to previous football games and the scene shifts. He is shoved around an entrance. He has to squeeze into his seat after the start of the game. A drunk keeps interrupting. People stand up in front of him. His girl quits. The picture ends with Benchley sipping a highball. A fine time of the year to release it. Running time, 9 mins. "G."*

"Orrin Tucker and His Orchestra"

(Paramount)

Set on the shores of Lake Michigan, this musical short introduces an out-of-doors background for five songs by Orrin Tucker and his band. Bonnie Baker sings one number in an appealing fashion, with the Bailey Sisters, a glee club, and Tucker also contributing. A melodic interlude which should please. Running time, 10 mins. "G."*

"They Live Again"

(M-G-M)

Effective drama has been built into the story of the discovery of insulin by young Toronto doctors. By means of the narrative and the combination of scenes showing actual experiments with the changing moods of crowds, supposedly victims of diabetes, the story is made vital. It holds the attention. Running time, 10 mins. "G."*

"Popular Science, J8-2"

(Paramount)

Done in color, this subject presents the latest development in gadgets. Household knicknacks, ranging from the most modern in radios to an alarm bed invented in 1894, are shown. A model prison, a test for drunken drivers and an automatic merchandising market are included. Cleverly arranged and well edited. Running time, 11 mins. "G."*

"Super Athletes"

(Paramount)

A Grantland Rice Sportlight which deals with track and field sports. Contrasting shots of athletes of the '80s and the modern day are employed to trace the development of track technic. A number of track events are included and the result is an informative and amusing bit. Narration is by Ted Husing. Running time, 10 mins. "G."*

"The Playful Polar Bears"

(Fleischer-Paramount)

This cartoon subject is done in color and records the adventures of a disobedient cub and a watchful mother bear. The cub wanders off just as hunters approach and is shot after a chase. However, he is revived and rejoins his mother. Somewhat slow moving. Running time, 7 mins. "G."*

****"G" denotes general audience classification.***

TOP RANK

EASTMAN Super X won its top ranking on performance. The results obtained from its combination of speed, fine grain, and general photographic quality make it the world's first choice in negative materials. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, Fort Lee, Chicago, Hollywood.)

EASTMAN *SUPER X*

PANCHROMATIC NEGATIVE

MOTION PICTURE DAILY'S HANDY BOOKING CHART

[*Dates Are Based Upon National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After the Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action*]

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS
Oct. 14	Flight to Fame Below the Rio (O) *Buck Jones*	Young Dr. Kildare (G) (D) *Lew Ayres Lionel Barrymore*	Where the Buffalo Roam (G) (O) *Tex Ritter*	Arkansas Traveler (G) (C) *Bob Burns Mary Carlisle* (3806)		A Man to Remember (G) (D) *Anne Shirley* (905)	Five of a Kind (G) (C) *Dionne Quintuplets* (919)	There Goes My Heart (G) (C) *Fredric March Virginia Bruce*	Swing That Cheer *Tom Brown Andy Devine*	The Sisters (G) (D) *Bette Davis Errol Flynn Anita Louise*
Oct. 21	Homicide Bureau *Bruce Cabot Rita Hayworth*	Listen, Darling (G) (C) *Bartholomew Judy Garland* (904)		Mysterious Rider (G) (O) (3807)		The Mad Miss Manton (G) (C) *Stanwyck Fonda* (906)	Mysterious Mr. Moto (G) (D) *Peter Lorre* (912)		Service De Luxe (G) (C) *Constance Bennett Vincent Price*	Girls on Probation (G) (D) *Ronald Reagan Jane Bryan*
Oct. 28	The Little Adventuress (G) (D) *Edith Fellows Cliff Edwards* Law of the Texan (O)	The Citadel (G) (D) *Robert Donat Rosalind Russell* (909)		Men With Wings (G) (D) *MacMurray*	I Stand Accused (G) (D) *Robt. Cummings Helen Mack*	Tarnished Angel (G) (D) *Eilers* (907)	Suez (G) (D) *Tyrone Power Loretta Young* (913)		The Storm (G) (D) *Bickford MacLane Foster*	Brother Rat (G) (C) *Wayne Morris Priscilla Lane*
Nov. 4	In Early Arizona *Bill Elliott Dorothy Gulliver*	The Great Waltz (G) (M) *Luise Rainer Fernand Gravet Miliza Korjus* (908)	Gangster's Boy (G) (D) *Jackie Cooper Robert Warwick*	Illegal Traffic (G) (D) *J. Carroll Naish Mary Carlisle*	Rhythm of the Saddle (G) (O) *Gene Autry*	Lawless Valley (G) (O) *George O'Brien* (981)	Always in Trouble (G) (C) *Jane Withers Jean Rogers Arthur Treacher*	The Young in Heart (G) (C) *Gaynor Fairbanks, Jr. Goddard*	Exposed *Glenda Farrell Otto Kruger* Prairie Justice (O)	Hard to Get (G) (C) *Dick Powell de Havilland*
Nov. 11		Spring Madness *Lew Ayres Burgess Meredith O'Sullivan*	Gun Packer (O) *Jack Randall*	If I Were King (G) (D) *Colman Rathbone*	Storm Over Bengal (G) (D) *Patric Knowles Rochelle Hudson*	Annabel Takes a Tour (G) (C) *Oakie Lucille Ball* (908)	Just Around the Corner *Shirley Temple Charles Farrell* (915)		His Exciting Night (C) *Charles Ruggles Ona Munson*	Torchy Gets Her Man (G) (D) *Glenda Farrell MacLane*
Nov. 18	Adventure in Sahara *Paul Kelly Lorna Gray*	The Shining Hour *Crawford Sullavan Douglas*	Gang Bullets *Anne Nagel*	Thanks for the Memory (G) (C) *Bob Hope Shirley Ross Butterworth*	Santa Fe Stampede (O) Orphans of the Street	Law West of Tombstone *Harry Carey Jean Rouverol* (909)	Sharpshooters (G) (D) *Brian Donlevy Lynn Bari* (916)	Cowboy and the Lady *Cooper Oberon*	Strange Faces (G) (D) *Dorothea Kent Frank Jenks Andy Devine*	Nancy Drew, Detective *Bonita Granville John Litel*
Nov. 25		Out West with the Hardys *Lewis Stone Mickey Rooney*	Little Tenderfoot (O) *Tex Ritter*	Say It in French *Ray Milland* Arrest Bulldog Drummond	Come On, Rangers (O) *Roy Rogers Mary Hart*	Peck's Bad Boy at the Circus *Tom Kelly Ann Gillis*	Submarine Patrol (G) (D) *Richard Green Nancy Kelly Preston Foster* (909)		Little Tough Guys in Society *Boland Auer Horton*	Angels with Dirty Faces (G) (D) *Cagney O'Brien "Dead End" Kids*
Dec. 2	Blondie (G) (C) *Penny Singleton Arthur Lake*	Flirting with Fate *Joe E. Brown Leo Carrillo*	I Am a Criminal *John Carroll Mary Kornman*	Little Orphan Annie *Ann Gillis Robert Kent*	Western Jamboree (O) *Gene Autry Smiley Burnette*	Trailer Romance (Tentative) *Lucille Ball James Ellison* (910)	Road Demon (G) (D) *Henry Arthur Joan Valerie Henry Armetta* (918)		Secrets of a Nurse *Helen Mack Edmund Lowe*	Devil's Island *Karloff*
Dec. 9	Rio Grande (O) *Charles Starrett Ann Doran*	Dramatic School *Rainer Goddard Alan Marshall*		Ride a Crooked Mile *Farmer Erikson Tamiroff*			Up the River (G) (C) *Tony Martin Phyllis Brooks Preston Foster*		The Last Warning *Preston Foster Frances Robinson*	Secret Service of the Air *Ronald Reagan John Litel Ila Rhodes*
Dec. 16	Outside the Law (G) (D) *Jack Holt* California Frontier (O)	Katherine the Last *Tone Gaal Connolly*	Tough Kid *Frankie Darro*	The Frontiermen *William Boyd*		The Pure in Mind (Tentative) *Anne Shirley Roger Daniels*	Down on the Farm *Jones Family*			Comet Over Broadway *Kay Francis Ian Hunter*

G. B.

- The Lady Vanishes (G) (C) *Margaret Lockwood Paul Lukas* (Nov. 1)
- The Frog *Noah Beery Gordon Harker* (Nov. 15)
- Climbing High (M) *Jessie Matthews Michael Redgrave* (Dec. 1)

G. N.

- Shadows Over Shanghai (G) (D) *James Dunn Ralph Morgan* (Oct. 14) (311)
- Frontier Scout (O) *George Houston* (Oct. 21) (217)
- Cipher Bureau (G) (D) *Joan Woodbury Leon Ames* (Oct. 28) (312)
- Titans of the Deep (Oct. 28) *Dr. Beebe* (326)
- Sunset Strip Case *Sally Rand* (Nov. 5) (345)

Sarnoff Suggests Self Regulation; Scores Censors

(Continued from page 1)

establish a system of voluntary self-regulation.

He opposed Government censorship of broadcasting and said the United States had "legitimate censorship by public opinion."

"It is the democratic way in a democratic government," he said.

Describing the low estate of controlled radio broadcasting in Europe, as he personally observed during his recent trip to the continent, Sarnoff told how radio in certain countries of Europe had been converted into a powerful instrument of dictatorships. He said during the recent crisis, when he was in Europe, that it was necessary to tune in on American short-wave stations in order to obtain an unbiased account of what was transpiring on the continent.

Saying that the self-regulatory code he was proposing should have the approval of the F.C.C., Sarnoff declared that the "United States had the finest and most varied programs produced anywhere in the world and our traditional liberties have been fortified with the freedom of radio," which he described as equally important with freedom of religion and of press.

Mason's Testimony

Frank Mason, an NBC vice-president, followed Sarnoff and described the corporate setup of the company. NBC has 2,273 employes, owns seven stations, leases three and provides all programs for five more. Only subsidiaries of NBC, he said, are Civic Concert Service, Artists Service of Massachusetts, Artists Service of Pennsylvania and WTAM, Inc., operating WTAM, Cleveland, which is in process of dissolution. It owns also Radio Music Co., which has been inactive since 1931, and at one time owned but has since dissolved Northwest Broadcasting Co., operating KJR, Seattle; Western Broadcasting Co., operating KEX, Portland, and Pacific Broadcasting Co., operating KYA, San Francisco.

Asks Investigation

As the hearing opened, Charles P. Sisson, former U. S. Attorney General, now representing the Royal Moulding Co. of Providence, asked the commission to investigate alleged monoply in the manufacture of bases for radio tubes. He was refused permission to testify, but he gave out a letter alleging unfair methods of competition employed by RCA. He asked that the commission broaden its investigation to include this factor, declaring that effective regulation of radio stations is impossible while monopoly in radio exists.

Chairman Frank R. McNinch is presiding at the hearings, which are being attended by Commissioners Thad H. Brown, and Eugene O. Sykes.

Paul Sullivan Recovers

Cincinnati, Nov. 14.—Paul Sullivan, WLW newscaster, is doing his mike chores from a bed in Christ Hospital, where he is recovering from an appendicitis operation.

Free Breakfast

San Francisco, Nov. 14.—Free breakfast is the novel stunt being tried by KROY, Sacramento, to lure dialers into the studio for the new "Top o' the Morning" variety show.

WLBZ Will Shift From CBS to NBC Beginning Dec. 11

WLBZ, Bangor, Me., at present a link of the CBS network, will switch over to NBC beginning Dec. 11. WLBZ will become a supplementary station available either on the Red or Blue, at a base rate of $120 per evening hour.

WLBZ is a 1,000-watt station by day, 500 watts at night, and is owned by the Maine Broadcasting Corp. Tom L. Guernsey is manager of the station.

The addition gives NBC a total of 162 stations.

Meanwhile, CBS will not remain without a Bangor outlet, for it has made arrangements to add WABI to its network. WABI is a full-time outlet, operating with a power of 250 watts during the day, 100 watts at night. Community Broadcasting Corp. operates WABI, with F. B. Simpson serving as general manager. WABI has been operating as an independent station.

Gardner Heading for Record Radio Budget

San Francisco, Nov. 14.—The Gardner Nursery Co. will be spending $350,000 for radio transcriptions and announcements by next year, according to Edwin A. Kraft, manager of Northwest Radio Advertising Co.

The company, now using approximately 60 stations to broadcast its transcribed sales messages, will step up its radio promotion to approximately 150 stations by the end of this month, according to Kraft. The increase will give Gardner Nursery Co. one of the largest budgets of its kind.

Won't Increase Canadian Seat Tax Next Year

(Continued from page 1)

otherwise, through which it expects to collect an additional $190,978. This is at the rate of 14 cents against every domestic or private owner of a radio, of which there were 1,104,207 at the end of the last fiscal year, March 31, 1938, and a flat $10 fee against every radio receiver commercially used, of which there are 3,639, according to the society's records. The society has not made known how it proposes to collect this extra royalty on home-owned radios, on which the householder already pays an annual license fee of $2.50 to the Canadian Government. Broadcasting stations will be assessed by the Performing Right Society as before.

The annual fee for theatres, payable to the society in advance, is scaled as follows: theatres of 1,600 seats or over, 15 cents per seat per annum; 801 to 1,599 seats, 12 cents; 800 and under, 10 cents; 800 seats and under operating three days or less per week, five cents. The minimum annual fee in any case is fixed at $10.

The amended Canadian Copyright Act compels the society to file a statement of listed fees to be collected during the ensuing calendar year and the public is given until Nov. 30 to enter any objections to the proposed schedule with the Copyright Appeal Board, the latter to issue approval of all rates before the end of December.

Madison and Fisher Renew on 'Ballroom'

Madison Personal Loan and Axton-Fisher Co. have renewed their contracts for participation in Martin Block's "Make Believe Ballroom" on WNEW, each for 52 weeks. Klinger Advertising Co. handled the contract for the former, and McCann-Erickson represented Axton-Fisher Inc.

Daily participation in WNEW's "Morning Star" series has been contracted for by Peter Martori Son, for 13 weeks, through a direct placement.

Zenith Executive Tells Dealers Television As Yet Impracticable

Radio dealers throughout the country today are in receipt of a letter from E. F. MacDonald, Jr., president of the Zenith Radio Corp., in which he attempts to show the impracticability of television at the moment.

"The cost of a single program of the type now transmitted in England of one hour's duration for each day from one television transmitter, will be around $1,000,000 a year, and certainly we cannot expect the advertisers of America to pay this bill," he states.

MacDonald writes that he has looked over hundreds of recent stories on television which "lead readers to believe that they are going to have television tomorrow. That is not true."

He enclosed a report to Zenith stockholders which shows, among other things, that "in order to furnish television programs to purchasers of receivers throughout the country, it will be necessary to construct more than 2,000 transmitting stations. The stupendous cost of transmitting television naturally sets aside the thought that advertisers and sponsors can possibly maintain advertising budgets sufficiently large to pay the costs of such programs, the report states.

▸ *Radio Personals* ◂

TOWN has temporarily lost most of its network officials to Washington for the monopoly hearings. Attending the sessions for NBC are David Sarnoff, Clay Morgan, Dan Tuthill, George Engles, Frank Mason and John Royal, trailed by Vance Babb, Gene Speck and Bill Neel. . . . Observing for Mutual are Alfred McCosker, Ted Streibert and Fred Weber. . . . A new assistant director in production at CBS is Marx B. Loeb, formerly with WIP in Philadelphia. . . . Harold Oxley, manager of Jimmy Lunceford, now working up a sizeable vaudeville route for the swing band. . . . Robert T. Anderson, the radio "ham" who won the William S. Paley Amateur Award in 1937 for his yeoman work during the floods, has joined CBS as a technician in field engineering. . . . Irene Beasley has returned to New York following a week of lecturing on radio technique to the students at Stephans College in Missouri. Miss Beasley conducts "R.F.D. No. 1" on CBS.

Renew Lindlahr Show On WOR for 13 Weeks

Journal of Living Publications, sponsoring Victor Lindlahr over WOR, has renewed the program for 13 weeks, effective Nov. 21. The series, consisting of health talks, is broadcast Mondays, Wednesdays and Fridays at noon. Austin & Spector is the agency.

Fisher Baking Co., through Neff-Rogow, has renewed Mark Hawley's Transradio news broadcasts over WOR beginning Dec. 6. Program is broadcast Tuesdays, Thursdays and Saturdays at 8 P.M.

Barney's Clothes yesterday began a new series of dramatizations over WOR, "Daily Honor Award." The program, through Austin & Spector, will be broadcast daily at 11:15 A.M.

Armco Band Program Back on NBC Jan. 15

American Rolling Mills Co., whose Armco band concerts have been a radio feature for the past five years, have placed a contract to return the show over the NBC-Blue network starting Jan. 15. The company has contracted for 42 stations, to take advantage of the discounts made available recently to sponsors of programs on the Blue.

The contract is for 13 weeks with options. The broadcasting schedule will be on Sundays from 3 to 3:30 P. M. N. W. Ayer & Son placed the deal.

Wood Shifted to Chicago

Robert Wood of WOR's sales staff here, has been transferred to the station's office in Chicago, leaving for that city tomorrow. Wood's territory includes Minneapolis-St. Paul, Kansas City, Milwaukee and Chicago.

WHN Religious Program

Rev. R. L. Erickson has entered into a 52-week contract with WHN for a half-hour religious program on Sundays from 8:30 to 9 P. M., starting Nov. 20.

ALL HELD OVER!

JACKIE COOPER
IN
"GANGSTER'S BOY"
AT THE
GLOBE

"WANTED BY THE POLICE"
WITH
FRANKIE DARRO
EVELYN KNAPP
ROBERT KENT
AT THE
PARAMOUNT BROOKLYN

"UNDER THE BIG TOP"
WITH
ANNE NAGEL
MARJORIE MAIN
JACK LA RUE
AT THE
FOX BROOKLYN

MONOGRAM PICTURES

MONOGRAM HITS IN NEW YORK

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 44. NO. 97 NEW YORK, WEDNESDAY, NOVEMBER 16, 1938 TEN CENTS

Distributors, MPTOA Final Meet Dec. 8-9

Delay Sets Back Trade Program Two Weeks

Final conferences between M.P.T.O.A. and the distributors' negotiating committee on an industry trade practice program were set for Dec. 8 and 9 following a conference yesterday between Sidney R. Kent, representing the distributors, and Ed Kuykendall, M.P.T.O.A. president.

Delay in holding this final meeting sets back completion of the trade practice program at least two weeks. Official predictions last week were that agreements on a final program could be had with Allied States, M.P.T.O.A. and the unaffiliated regional exhibitor organizations by either the end of this week or prior to Thanksgiving. The delay, however, does not signify that any complications have arisen in the negotiations between M.P.T.O.A. and

(Continued on page 4)

To Dissolve Pathe Film Holding Firm But Lab Continues

Pathe Film Corp. will be dissolved as a holding company during December but will continue to function as a laboratory and printing concern. The new corporation will probably be headed by the same principals.

Details of the plan of dissolution will be given to stockholders this week. The plan, which will be voted on by stockholders Dec. 6, is in line with provisions of the 1938 revenue act encouraging the dissolution of holding companies by the end of this year.

The act provides that holding companies liquidating by Dec. 31 may

(Continued on page 4)

"Pygmalion" to Be Astor Grind Show

Two-a-day policy for the Astor will be abandoned temporarily when "Pygmalion" opens there. No date has been set, but it is expected to be about Thanksgiving Day. It will be shown at popular prices on a continuous run. "Marie Antoinette" ended its 13th week with an estimated $5,900. The gross was boosted considerably

(Continued on page 4)

SRO N.G. in London

London, Nov. 15.—Despite objections and pleas from London exhibitors, the Sheffield municipality has decided that from Jan. 1, 1940, no standing will be permitted in theatres within the city's jurisdiction.

Tugwell and Broun And Intellectuals in Social Film Group

Plans to dramatize contemporary social trends from a "progressive viewpoint" will be discussed at a dinner meeting at Town Hall on Friday of Films for Democracy, a newly organized non-profit society. Using Hollywood methods, the organization intends to present non-political films dedicated to the "principles of democratic government and thereby to combat the sinister spread of intolerance and reaction."

Dr. Ned H. Dearborn, dean of the division of general education at New York University, heads the society, whose sponsors include Senator Arthur Capper, Rex G. Tugwell, Thomas Mann, Henry Pratt Fairchild, Heywood Broun, Sherwood Anderson, Herman Shumlin, Irene Lewi-

(Continued on page 2)

Barton, Mrs. Reid Among Judges for "Movie Quiz" Test

Representative Bruce Barton, Mrs. Ogden Reid, vice-president and publisher of the N. Y. Herald-Tribune; Dr. James E. West, head of the Boy Scouts of America; Hendrik Willem van Loon, author, and Mrs. Helen Wills Moody will be the judges of the Movie Quiz prize contest.

The contest closes Dec. 31 and prize winners will be announced during January. The judges will meet with George J. Schaefer, campaign chairman, in the near future to discuss the

(Continued on page 4)

Anticipate 650 at Associates' Party

Total of 650 reservations already have been received for the 19th annual dinner-dance of the Motion Picture Associates to be held Nov. 26 at the Astor, Jack Ellis, president, said at a luncheon meeting of the group yesterday at the hotel.

Ben A. Boyar of the Max Gordon office, who is co-producing the "Night of Stars" benefit show at Madison Square Garden tonight, will handle the entertainment for the Associates' affair. Principals from "Sing Out

(Continued on page 4)

Again—The Propagandists

By MARTIN QUIGLEY

THE latest effort to capture the theatre screen for purposes of radical political propaganda has come to the surface in an organization styling itself, "Films for Democracy."

Its sponsors repeat the familar patter in a recitation of the purposes in view. It would have to do with the production and distribution of motion pictures designed, as they put it, "to safeguard and extend American democracy." The kinship of its real policies with what the American continent understands as democracy may impress many as being decidedly remote.

Among the names mentioned which individually and collectively contribute a graphic indication of the brand of political and social philosophy which may be expected are the following: Rexford G. Tugwell, Dr. Mary E. Wooley, Heywood Broun, Walter Wanger, Dudley Nichols, Fredric March and Fritz Lang.

No question is raised as to the right of the persons associated in this venture to produce and distribute motion pictures of any kind they may see fit. The democratic principle of free speech insures this right even—unfortunately it seems—to those whose ideas if carried into effect would allow freedom of expression to no one but themselves. But emphatic protest is raised against the attempt to pervert the entertainment screen from its avowed purposes of entertainment and into the devious channels of social, political and economic propaganda.

The spirit of aggression toward the entertainment screen which imbues these propagandists is not a new manifestation confronting the

(Continued on page 2)

NBC's Talent Sales in 1937 $6,032,274

Films Bought $189,230, F. C. C. Is Told

WASHINGTON, Nov. 15.—NBC's talent sales in 1937 amounted to $6,032,274. The bulk of these sales, amounting to $4,028,187, were to radio advertisers. Motion picture producers bought $189,230 of NBC's talent. Of the total amount in sales, the talent itself received $5,757,382. The NBC Artists Service received as commissions on these sales of talent $674,891. The net profit to the NBC Artists Service out of this was $286,882. The average commission to the Artists Service on this talent was slightly over eight per cent and commissions on the talent sold to film producers was $25,476.

Additional developments in radio yesterday on page 8.

This is testimony which was given by Daniel S. Tuthill, assistant managing director of NBC Artists Service, at the second day's monopoly hearings before the Federal Communications

(Continued on page 8)

Schaefer Heads for Hollywood in Dec.

Present outlook is that George J. Schaefer, operating head of RKO, may go to the coast early in December. This will be his first trip to the studios since he assumed overall operations in RKO.

M. Selznick's Profit-Sharing Plan—Out!

Hollywood, Nov. 15.—Myron Selznick's plans to produce films on a profit-sharing basis with top flight producers, directors and players handled by his agency, is understood to be abandoned.

The project was to start with the unit called Ernst Lubitsch Productions. The original announcement of the venture stimulated a flurry of interest in profit-sharing and several talent pacts recently made by studios are believed to include such features.

Purely Personal

HERMAN RIFKIN, Republic Boston franchise holder, in town yesterday, announced the engagement of his daughter, SELMA, to GEORGE RABINOWITZ, RIFKIN'S manager in New Haven. RIFKIN will return to Boston today.

•

BILL CHAMBLISS of 20th Century-Fox arranged the torpedo and mine display at the Museum of Science and Industry at Rockefeller Center, in connection with "Submarine Patrol."

•

JAMES M. GRAINGER, Republic president, due back from his tour on Monday. He was in New Orleans yesterday and will visit Atlanta and Jacksonville before returning.

•

NAT KALCHEIM of the William Morris office left yesterday for Chicago to look over talent. HARRY FOSTER of the London office is already there.

•

DAVE PALFREYMAN is attending the I. T. O. of Ohio convention at Columbus. He is due back in New York Friday.

•

D. A. ROSS of Ross Federal Research has left for a 10-day business trip to Chicago, Milwaukee and Detroit.

•

ED KUYKENDALL, M. P. T. O. A. president, will leave New York for Columbus, Miss., Friday.

•

JACK DEMPSEY is the latest recruit to the membership rolls of the American Federation of Actors.

•

HARRY GLICKMAN, president of Mecca Laboratories, is back on the job after an operation.

•

GEORGE SHERMAN, Republic director, is in town for a two or three-week vacation here.

•

LOUIS PHILLIPS of the Paramount legal department has returned to New York from Chicago.

•

GEORGE WEST has recovered from a cold which kept him home for a week.

THE MERCURY

GIANT SKYSLEEPERS

OVERNIGHT TO LOS ANGELES

Fly the Southern SUNSHINE route overnight to Los Angeles. Through service. No change of planes. Giant SKYSLEEPERS. Complimentary meals served by stewardesses.

Mercury Lv. 5:10 p. m. (only 3 stops)

Southerner Lv. 9:00 p. m. (only 5 stops)

FOR RESERVATIONS: Call Your Travel Agent or VANderbilt 3-2580. Ticket Offices: 45 Vanderbilt Ave., and Rockefeller Center, 18 W. 49th St.

AMERICAN AIRLINES Inc.

Again—The Propagandists

Continued from Page 1

motion picture industry. It has made an appearance before and will be heard from again. The vastness of the theatre audiences, coupled with the emotional potentialities of the film, represent a means of unparalleled effectiveness in influencing the public mind. It is inevitable that the screen should find itself the object of these attentions.

In Russia, in Germany, in Italy and in Red Spain the entertainment screen as such has vanished. Under the power of the political group in the ascendency the screen is no longer the "escapist" medium which Messrs. Tugwell, Broun, Wanger, Nichols et al so tearfully deplore. Its entertainment character is subordinate to its propaganda uses. It deals—as they would have the American picture deal—with "the timely and vital issues of the day."

It is of course true that dependent upon the particular country one note and one note alone is sounded. But in all of the countries named the entertainment screen is no longer allowed to be a medium wholly dedicated to the enjoyment of the public. And this latter condition is the one which these American propagandists are seeking to achieve, ignoring entirely the clear record of what the American public has made plain at the box-office as to what it wants to see. Political medicine men of whatever nationality are like that. And ignoring also the inevitable threat to the orderly operation of motion picture theatres which would result from the exposition of themes of bitter controversial aspect.

Any such effort as this "Films for Democracy" constitutes a real threat to the integrity of the American motion picture, to the theatre's position of trust with its public and—very definitely—to the continued prosperity of the business.

Every propagandist, Left, Right or Center, should be given clearly to understand that it will be agreeable to the motion picture industry to have him hire a hall and leave the entertainment screen alone. There might also be a message for collaborators on such ventures who enjoy a handsome income from the industry.

Para. Granted More Time on N. D. Appeal

A second extension of time for filing Paramount's appeal to the U. S. Supreme Court from the Federal statutory court decision confirming the legality of the North Dakota affiliated theatre divorcement law has been granted the company and its affiliated defendants by the Fargo court. The new extension gives the company until Dec. 15 to perfect its appeal to the Supreme Court.

Simpson, Thacher & Bartlett, Paramount counsel, said that no significance attaches to the granting of additional time other than that the work of compiling the record of the case for the high court's review could not be completed by Nov. 22, the date on which the appeal would have been due.

Stars Head W. B. Drive

James Cagney will serve as honorary captain for Warners' eastern and Canadian sales forces in the 16-week Gradwell L. Sears' sales drive, starting Dec. 25, and Pat O'Brien will front for the western and southern forces. Initial plans for the conduct of the drive were completed yesterday at meetings of Warners' district managers, presided over by Roy Haines and Ben Kalmenson.

Kaltenborn to Pathe

H. V. Kaltenborn, CBS news analyst and political commentator, has been signed by Pathe News as assistant editor and foreign news advisor.

Schwartz "U" Manager

PHILADELPHIA, Nov. 15.—George E. Schwartz has been named local Universal branch manager, succeeding S. Wittman, resigned.

Albany Seeing First Triple Film Program

ALBANY, Nov. 15.—Albany's first triple bill is currently on tap at the Harmanus Bleecker Hall, a Fabian theatre managed by James A. Carrier, former Hollywood exploitation chief. "Too Hot to Handle," "Hold That Co-ed" and "That Mothers Might Live" are playing.

Carrier says it will not be a permanent policy.

RKO Canada Observe Week for Jules Levy

RKO's Canada offices will observe Jules Levy Appreciation Week, from Nov. 26 to Dec. 2, as a tribute to the RKO sales head. L. M. Devaney is RKO's district chief in the Dominion. He is running in the van of of RKO's American exchanges.

The "CONTINENTAL" to LOS ANGELES

Deluxe overnight Sleeper

*Latest evening departure—5:20 p.m. —with arrival for morning business in Hollywood. Or take United's famous Overland Flyer, another Sleeper plane, leaving at midnight. Fast, luxurious, fewest stops.

RESERVATIONS at 58 East 42nd Street, MUrray Hill 2-7300. Or travel bureaus, hotels.

UNITED AIR LINES

The Main Line Airway

Operator Demands To Be Arbitrated

Demands of operators' Local 306 made to independent theatres in the metropolitan area through the I.T.O.A. will be submitted to arbitration, it was decided at a meeting of respective committees yesterday.

The union wants a wage [illegible]crease of 48 per cent, claiming sales at independent houses are not up to par with circuit houses. Two weeks' vacation with pay, instead of the present one week, is also demanded.

The arbitration provision is contained in the 10-year basic agreement signed two years ago.

Tugwell and Broun And Intellectuals in Social Film Group

(Continued from page 1)

sohn, Philip Merivale, Rex Ingram, Marc Connolly, George Seldes and other liberals. Walter F. Wanger, Dudley Nichols, Fredric March and Fritz Lang are among those on the advisory committee.

"Contemporary social problems, if treated to suggest a practical solution, are taboo in Hollywood scripts," Dearborn said. A budget of $100,000 is planned for each production, and considerable economies are expected through the co-operation of actors, directors, writers and technicians who are expected to contribute their services at salaries lower than they usually receive. The first film will probably be made in Hollywood and released through the usual commercial channels. Where local theatres refuse to show the picture, exhibition will be arranged through local organizations.

No Ampa Next Week

Ampa's next luncheon meeting would normally be held Nov. 24, but that day is Thanksgiving.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

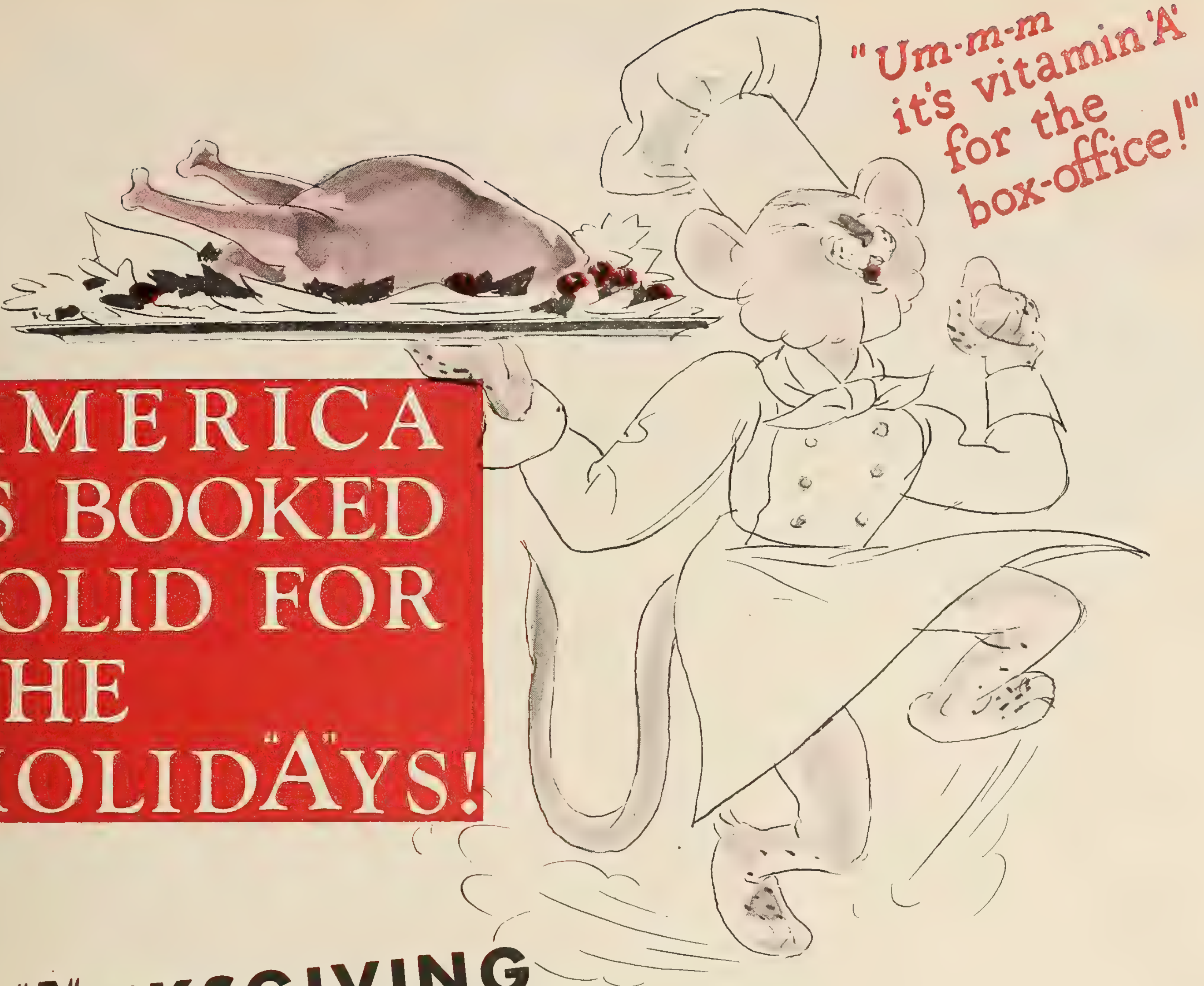
Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

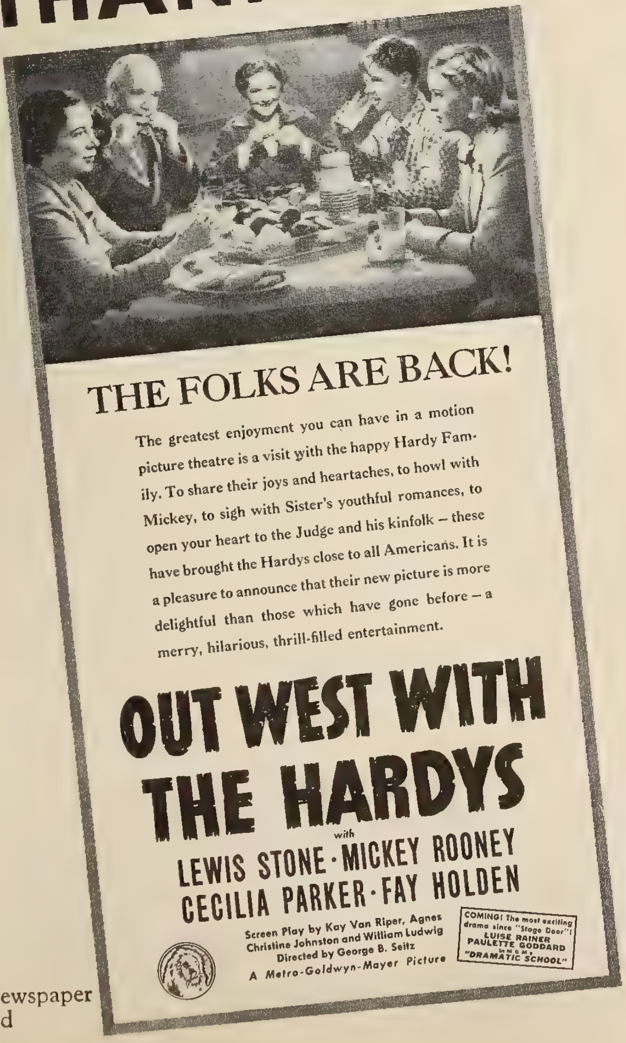
Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

AMERICA IS BOOKED SOLID FOR THE HOLID"A"YS!


"Um-m-m it's vitamin 'A' for the box-office!"

TH"A"NKSGIVING



THE FOLKS ARE BACK!

The greatest enjoyment you can have in a motion picture theatre is a visit with the happy Hardy Family. To share their joys and heartaches, to howl with Mickey, to sigh with Sister's youthful romances, to open your heart to the Judge and his kinfolk – these have brought the Hardys close to all Americans. It is a pleasure to announce that their new picture is more delightful than those which have gone before – a merry, hilarious, thrill-filled entertainment.

OUT WEST WITH THE HARDYS

with

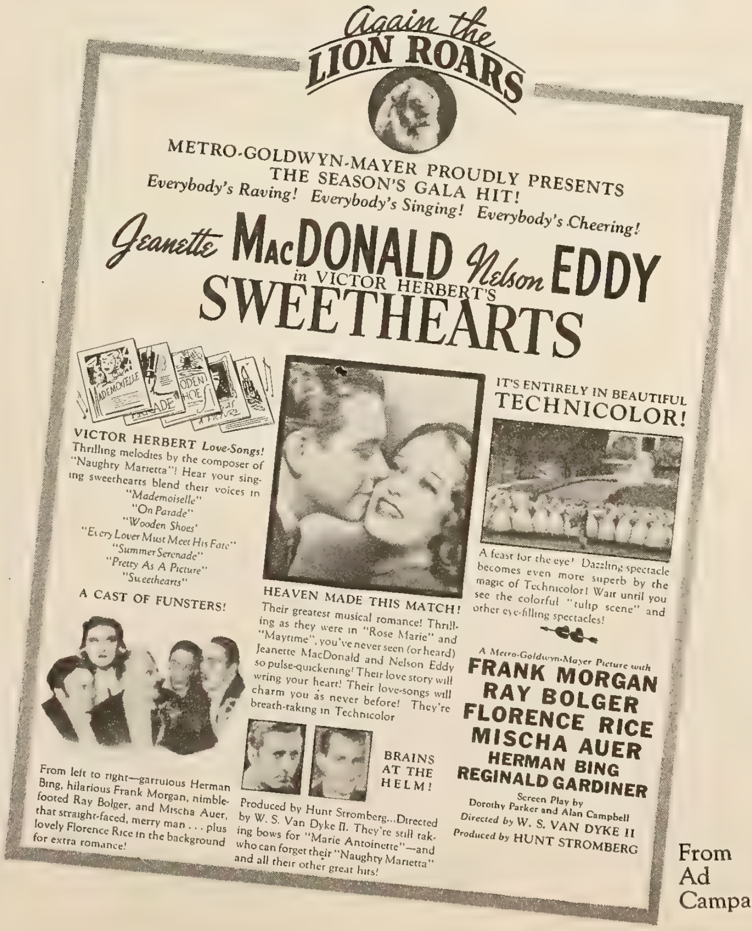
LEWIS STONE · MICKEY ROONEY
CECILIA PARKER · FAY HOLDEN

Screen Play by Kay Van Riper, Agnes Christine Johnston and William Ludwig
Directed by George B. Seitz
A Metro-Goldwyn-Mayer Picture

COMING! The most exciting drama since "Stage Door"!
LUISE RAINER
PAULETTE GODDARD
in M-G-M's
"DRAMATIC SCHOOL"

A Newspaper Ad

NEW YE"A"R'S



Again the
LION ROARS

METRO-GOLDWYN-MAYER PROUDLY PRESENTS
THE SEASON'S GALA HIT!
Everybody's Raving! Everybody's Singing! Everybody's Cheering!

Jeanette MacDONALD Nelson EDDY
in VICTOR HERBERT'S
SWEETHEARTS

VICTOR HERBERT *Love-Songs!* Thrilling melodies by the composer of "Naughty Marietta"! Hear your singing sweethearts blend their voices in

"Mademoiselle"
"On Parade"
"Wooden Shoes'
"Every Lover Must Meet His Fate"
"Summer Serenade"
"Pretty As A Picture"
"Sweethearts"

A CAST OF FUNSTERS!

From left to right—garrulous Herman Bing, hilarious Frank Morgan, nimble-footed Ray Bolger, and Mischa Auer, that straight-faced, merry man . . . plus lovely Florence Rice in the background for extra romance!

HEAVEN MADE THIS MATCH!

Their greatest musical romance! Thrilling as they were in "Rose Marie" and "Maytime", you've never seen (or heard) Jeanette MacDonald and Nelson Eddy so pulse-quickening! Their love story will wring your heart! Their love-songs will charm you as never before! They're breath-taking in Technicolor

BRAINS AT THE HELM!

Produced by Hunt Stromberg...Directed by W. S. Van Dyke II. They're still taking bows for "Marie Antoinette"—and who can forget their "Naughty Marietta" and all their other great hits!

IT'S ENTIRELY IN BEAUTIFUL
TECHNICOLOR!

A feast for the eye! Dazzling spectacle becomes even more superb by the magic of Technicolor! Wait until you see the colorful "tulip scene" and other eye-filling spectacles!

A Metro-Goldwyn-Mayer Picture with
FRANK MORGAN
RAY BOLGER
FLORENCE RICE
MISCHA AUER
HERMAN BING
REGINALD GARDINER

Screen Play by
Dorothy Parker and Alan Campbell
Directed by W. S. VAN DYKE II
Produced by HUNT STROMBERG

From Ad Campaign

Distributors, MPTOA Final Meet Dec. 8-9

(*Continued from page* 1)

the distributors, Kuykendall said following his meeting with Kent. It was explained that distributors themselves are not in complete accord yet as to some points involved in the self-regulation program, but that an accord is expected by the end of the week. No meeting could be arranged for next week or the week following, however, because of Kuykendall's prior engagements. He will be in the south on personal business next week and is scheduled to attend the Charlotte meeting of the North and South Carolina Theatre Owners the week following.

Kuykendall will confer with Kent again today and tomorrow before leaving New York on the phraseology of the program. The entire M.P.T.O.A. executive committee will be asked to come to New York for the final sessions Dec. 8 and 9 with Kent and Ned E. Depinet of RKO.

Kuykendall said the final program would be submitted to the M.P.T.O.A. board of directors and expressed the belief that it will be only a "few days" thereafter when the program will be made effective. One of the issues on which the distributors are reported not to be in accord is the effective date of the program.

The M.P.T.O.A. head expressed confidence in the distributors' sincerity in the current negotiations and their outcome.

To Dissolve Pathe Film Holding Firm But Lab Continues

(*Continued from page* 1)

avoid paying undistributed profits taxes. Under the plan, the stockholders will be able to receive their share of the dividends from Pathe's 35 per cent interest in DuPont Film Mfg. Co., directly and without an extra tax on the company. This income is considerable, as Pathe has earned $545 a share on its 3,500 shares of DuPont Film since 1932. The laboratory and printing functions will be divorced from the company's other activities.

Pathe's main laboratory is at Bound Brook, N. J., with an auxiliary plant in the Pathe News Building on West 45th St. Pathe does the printing for the newsreel. Otherwise, there is no connection between the two.

Will Honor Schines On 20th Anniversary

ALBANY, Nov. 15.—A testimonial dinner to mark the 20th anniversary of J. Myer and Louis Schine in the industry will be held at the Ten Eyck Hotel here Dec. 19.

One of the largest gatherings of film and theatre men in Albany is indicated for the occasion by reservations already received from New York, Washington, Buffalo, Cleveland, Cincinnati, Gloversville and more distant cities. Phil Fox is chairman of the committee in charge.

"Pygmalion" to Be Astor Grind Show

(*Continued from page* 1)

by the inclusion of two holidays but it is expected to wind up its run this week.

"Men With Wings" drew a reported $25,600 in its third week at the Paramount and will make way today for "Arkansas Traveler." "The Citadel" at the Capitol and "Brother Rat" at the Strand are both held for a third week. "Man From Mars" grossed approximately $7,000 at the Rialto. "Grand Illusion" entered its 10th week at the Filmarte yesterday.

Barton, Mrs. Reid Among Judges for "Movie Quiz" Test

(*Continued from page* 1)

procedure to be followed in determining the winners.

Expressing his gratification over the choice of judges, Schaefer said, "None is connected with the motion picture industry, each is deeply interested in the advancement of this industry as a dominating influence in our national culture. We are proud to have them and we are deeply grateful for their abiding interest and cooperation."

Hayward-Lupino

HOLLYWOOD, Nov. 15.—Louis Hayward and Ida Lupino will be married tomorrow in Santa Barbara, culminating a two-year romance. Their honeymoon will be brief as Miss Lupino is due to start in a new picture Monday.

Sunday Film Vote

Delhi, N. Y., Nov. 15.—Petitions from the Women's Christian Temperance Union and the Walton Ministerial Association have been presented to the Walton (Delaware County) village board, asking that no action be taken on Sunday films until a referendum has been taken.

The request is likely to result in upstate New York's first Sunday film referendum in the past few years.

Anticipate 650 at Associates' Party

(*Continued from page* 1)

the News" will appear, among others. Morris Sanders is chairman of the affair.

Jacob Hartman, a member, addressed the gathering and urged a boycott of German goods. Ellis introduced Clarence Eisman, new U.A. branch manager. Sam Dody of vaudeville entertained with stories.

New members include Harry Goldstone, Grand National; Harold Greenberg and Gene Levy of Paramount; Samuel Licht and Maury L. Ashman of the Five Boroughs circuit, and Maxwell L. Rothman of the Alvin, Guttenberg, N. J.

O'Neill to Providence

BOSTON, Nov. 15.—Vaughn O'Neill has been shifted from Loew's State here to Loew's State in Providence. Walter Murphy replaces him as treasurer of the local house. O'Neill replaces Maurice Druker, resigned, as assistant manager in Providence.

Trade in Chicago Prepares For Annual Charity Drive

By BILL CROUCH

CHICAGO, Nov. 15.—Happiness is again in store for many of this city's unfortunates as plans for the Third Annual Christmas Movie Basket Party are being formed. This year the basket parties will be held on the morning of Dec. 20, in approximately 300 local theatres. The films for the parties are donated free by the exchanges and the exhibitors offer their theatres gratis. Admission as usual, will be some sort of non-perishable foodstuffs.

Jack Kirsch, Allied leader, and Morris Leonard, president of the Chicago Exhibitors' Association are the co-chairmen in charge of the affair. Assisting them are the following committee chairmen: William Hollander, trailers; Eddie Solomon and Ed Seguin, newspaper stories; Herb Elisburg and Larry Stein, advertising; Harry Smythe and Craig Dennison, groceries; Lou Abramson and Joe McKeown, transportation; Dan Goldberg, Larry Stein and Norman Kassel, radio; Emil Garber, schools; Henry Markbreit, children's groups; Ted Morris, community newspapers, and Kirsch and Leonard, union operator services. The parties are sponsored by CAPA, (Chicago Amusement Publicists' Association). The cost per theatre to participate is $5, including trailers, advertising material, etc.

▼

Lowell Thomas was the guest speaker at the Headline Club of Sigma Delta Chi, Tuesday. Leading newspaper and radio executives of Chicago were present.

▼

Bryan Foy, Warner producer, and several members of his staff spent last weekend in Chicago attending the Notre Dame-Minnesota game at nearby South Bend and signing the performing blind horse, Elmer Gantry, to a Warner contract. The horse will be shipped to Hollywood shortly to be starred in a picture called "The Great Gantry."

▼

Henri Elman, theatre operator, exchange manager and distributor, candidate for mayor and local industry leader has sent out the invitations for the testimonial stage dinner to be given Dec. 2, in honor of Jack Kirsch, Allied president. A large number of film and theatre executives are expected from various parts of the country for the affair which will be held in the Congress Hotel.

New York Censor Revenue for Year Reaches $304,073

Revenue of the New York State Motion Picture Division for the year ended June 30, last, totaled $304,073, a gain of $11,638 over the $29[illegible]435 received during the preceding 12-month period, according to the report of Irwin Esmond, director, which was submitted yesterday to Frank P. Graves, Commissioner of Education. The 17 years of operations of the division have netted the state $2,537,322. Expenditures of $64,648 showed little change from the preceding year.

Foreign films reviewed by the department during the year numbered 455, or more than 20 per cent of the 1,955 films submitted for licensing. This represents a gain of 60 foreign productions over the preceding period. The foreign-made films came from 19 countries — Great Britain, France, Sweden, Germany, China, Poland, Mexico, Hungary, Italy, Russia, Czechoslovakia, Argentina, Spain, Egypt, Arabia, Denmark, Greece, Borneo and Java.

The report showed that 23 films were refused licenses; 772 eliminations of dialogue, subtitles or scenes were made, and that 12 appeals from these decisions were taken either to the Commissioner of Education or the Board of Regents. No reversals resulted from any of the appeals.

Reasons for the eliminations were, indecent, 364; inhuman, 28; tending to incite to crime, 60; immoral or tending to corrupt morals, 265, and sacrilegious, 55.

Ascap Wash. Appeal First Week in Jan.

Appeals which will provide the first tests of the constitutionality of legislation to bar Ascap from operating within individual states are slated to be heard by the U. S. Supreme Court during the first week in January. The appeals involve the anti-Ascap legislation enacted by Florida and Washington.

Outcome of the two appeals will likely determine the constitutionality of the only other existing anti-Ascap legislation, that of Montana, Nebraska and Tennessee, as all of the statutes are similar.

Trial of Ascap's attack on the constitutionality of the Nebraska legislation in the Federal statutory court at Lincoln will be delayed until after the first of the year, due to the fact that Richard C. Hunter, State Attorney General, was defeated in the last election. His successor, Walter R. Johnson, will not take office until after the first of the year and cannot be substituted for his predecessor in office as a defendant in the Ascap case until that time. Schwartz & Frohlich, Ascap counsel, will move for the substitution immediately after Jan. 1.

Chicago Union Talks Up

CHICAGO, Nov. 15.—Negotiations on a new contract with the operators' union are expected to be resumed by exhibitor leaders and union officers here this week, following the return of John Smith, union official, from a vacation.

RKO Won't Make Films Abroad, but May Finance Some

RKO has no plans for production abroad, but will keep its channels open, as in the past, for deals with English producers on individual pictures, Phil Reisman, foreign distribution head, said yesterday.

The company thus may extend partial financing and exchange talent depending on the terms of the individual deals, he said. Negotiations are under way with Herbert Wilcox for additional films and with Major Pictures, recently organized by Walter Futter and Leslie Howard, but no agreements have been reached yet.

RKO's foreign business is ahead of last year, despite conditions, Reisman declared, with Great Britain and Scandinavian countries the brightest spots. The company's revenue in China is up and holding its own even in Czechoslovakia, he added. The Sudeten area ceded to Germany did not represent a serious loss to American companies as it was not an important revenue producing territory.

Russia Wants "Snow White"

"Snow White and the Seven Dwarfs" is contributing largely to RKO's business abroad. Reisman expects the overseas gross on the picture to almost equal the domestic figure. Its release in most countries is now starting, with native language dubbing.

Soviet Russia, which has imported few American films, is a great admirer of Walt Disney, and Reginald Armour, RKO European chief, is scheduled to go to Moscow in a couple of weeks to negotiate a deal on "Snow White." Russia buys its outside pictures outright.

Regarding the Italian situation, Reisman declared: "American film companies are not withdrawing from Italy; they are being driven out. Italy is a highly desirable market. All companies would like to remain there. But we are being forced out."

He said RKO's position has not been precisely defined, as its distribution in Italy is handled by General Cine, a domestic organization, and the contract with that company extends to the 1939-'40 product.

Chief Causes Economic

E. N. I. C., the new Government distributing agency, cannot take over RKO's contract with General Cine without RKO's approval, Reisman explained. He is inclined to believe that E. N. I. C. is making a deal with General Cine and other domestic organizations for their releasing contracts with American firms which do not have their own organizations in Italy. These include also Universal, United Artists and Columbia.

The underlying causes for Italy's move are economic, but there are contributing factors, one of the chief being the desire to promote the Italian industry, Reisman declared. He does not believe that Italy will impound prints. When RKO was forced out of Austria through German annexation, between 35 and 40 of its prints were impounded.

In addition to the revenue involved in the Italian situation, there is a principle at stake, according to Reisman. RKO has been approached by E. N. I. C. on a deal, but the terms are impossible for the company to accept, he asserted.

The problem is a lesser one for England, which sends few films to Italy, and the French will not be greatly affected as production in France is largely by individual producers, Reisman believes. America, he said, will feel the brunt.

Out Hollywood Way

Hollywood, Nov. 15. — John Wayne, featured last season in a series of Trem Carr productions for Universal release, gets his biggest role to date, playing opposite Claire Trevor in Walter Wanger's "Stage Coach" for United Artists release. . . . Mary Carlisle, on her first free lance assignment since leaving Paramount, goes to Republic for the feminine lead in "Fighting Thoroughbreds," formerly called "Kentucky Sweepstakes," and in which Ralph Byrd and Robert Allen, the latter on loan from 20th Century-Fox, are featured. Sidney Salkow will direct. . . . Priscilla Lane, Wayne Morris, Eddie Albert and Jane Bryan, who appeared in "Brother Rat," will be featured in Warners' "Life Is a Parade," sequel to the V. M. I. story. Jerry Wald and Richard Macauley are writing the story, and William Keighley will direct. . . . "All This and Heaven, Too," best seller by Rachel Field, has been purchased by Warners for Bette Davis.

✚

Casting — Paramount placements: Hedda Hopper to "Midnight;" Lucius Beebe to "Cafe Society;" ZaSu Pitts and Hugh Herbert to "The Lady's From Kentucky;" Regis Toomey, Mala and Julia Faye to "Union Pacific;" Helen Twelvetrees to "Persons in Hiding." . . . Warner assignments: Beulah Bondi and Sheila Bromley to "Nancy Drew, Reporter;" William Lundigan borrowed from Universal for "Dodge City;" Tim Holt and Olin Howland to "Dodge City;" Joseph Calleia, Henry O'Neill, Gale Sondergaard, Gilbert Emery and Hugh Sothern to "Juarez." . . . Barry Fitzgerald, Paul Guilfoyle, Allan Lane, Douglas Walton, Halliwell Hobbes and Florence Lake to "Pacific Liner," Phyllis Kennedy to "Love Affair," and "Frances Mercer to "The Castles," all at RKO.

✚

Directors—Robert Hill will guide "Wild Horse Trail," next Jack Randall western for Monogram. . . . Gus Meins has been signed by Republic for "Mysterious Miss X." . . . Terry Morse has been given the assignment of "The Return of Dr. X" at Warners. . . . Jack Townley, writer, will direct Gene Autry's next picture at Republic.

✚

Writers—Mary McCall, Jr., goes to Republic to write the script of "Wagons Westward," story of the ill fated Donner party. . . . Robert Buckner and Niven Bush are working on the script of Warners' "Battle of City Hall" in which the "Dead End" kids and Humphrey Bogart will be featured.

English Exports Gain

London, Nov. 15.—Total of exports of exposed positive film for October was 3,515,787 feet, compared to 1,987,623 feet for October, 1937. Imports for the month totaled 1,647,742 feet, compared to 1,998,354 in October last year.

Joyce Receives $1,000

John E. Joyce, as special master of Paramount Publix, Inc., was allowed ad interim commission of $1,000 yesterday by Federal Judge Alfred C. Coxe. The order providing for the allowance stated that further commissions would be allowed when Joyce completed his work. He has received to date a total of $14,000 since his appointment in 1933.

Principal Is Restrained

Principal Film Exchange, Inc., was restrained pending trial from distributing films produced by Superior Talking Pictures, Inc., and Screen Productions, Inc., by N. Y. Supreme Court Justice Edgar Lauer yesterday.

Academy Starts Campaign To Improve Foreign Prints

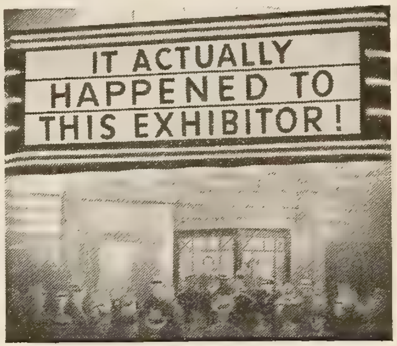
Hollywood, Nov. 15.—A survey of laboratories throughout the world in an effort to establish a universal system of laboratory procedure to better the quality of American film release prints is being undertaken by the Research Council of the Academy of Motion Picture Arts and Sciences.

Questionnaires were sent this week to 273 laboratories in 39 foreign countries as the first step, preparatory to establishing a system of uniform technical information to be given by American companies with the "dupe" or lavender negatives to facilitate bettering of foreign release prints.

The project, one of the most far reaching in the Research Council's history, is under the direction of Gerald Best, chairman of the foreign release print committee, and Gordon S. Mitchell, manager of the Research Council.

Foreign-made release prints of American films have suffered in many instances principally because of the lack of instructions accompanying the lavenders as well as the unfamiliarity of some foreign laboratories with American methods.

Membership of the committee includes L. A. Aicholtz, Fred Albin, Philip E. Brigandi, Claude C. Carter, L. E. Clark, Alan Freedman, Franklin LaGrande, Michael Leshing, Charles Levin, A. W. Miller, J. M. Nickolaus, C. Parfrey, Gerald Rackett, George Seid, Sidney Solow, Joseph Spray, John Swain, Randal Terraneau and Ray Wilkinson.


IT ACTUALLY HAPPENED TO THIS EXHIBITOR!

TRUE STORIES FROM ALTEC FILES

IRVING VINCENT,
Manager of the Grand Theatre,
Oconto Falls, Wis.

Manager So Sure of Getting Sound Sells Nite Show

OCONTO FALLS, WIS.—"I was playing 'Snow White' to a very good business on Sunday afternoon, but during the second reel of the second matinee the sound went completely dead," said Irving Vincent, Manager of the Grand Theatre here.

"I checked on everything I could but with no success, so I called our Altec Inspector, W. H. Lewis at 5:30 P.M. at Iron Mountain, Mich., a distance of 85 miles.

"I had visions of losing a good Sunday nite's business, but took a chance on Lewis' getting sound restored, and sold out the house for the evening show before he arrived.

"In less than two hours, Lewis arrived, and cleared the trouble in ten minutes. My Sunday nite show hit the sheet on schedule."

• • •

Altec inspectors are intimately familiar with all types of sound projection equipment, irrespective of who manufactured it. An Altec Service Agreement gives you greater protection for your theatre.

ALTEC
SERVICE CORPORATION

ALTEC SERVICE CORPORATION
250 West 57th Street
New York City.

Gentlemen: Have the Altec man in my neighborhood call me for an appointment. No obligation to me, of course.

NAME
THEATRE
ADDRESS
CITY 79

"...THAT YOUR THEATRE MAY NEVER BE DARK."

"Citadel" with $14,500 Takes Cleveland Top

CLEVELAND, Nov. 15.—"The Citadel" made a strong showing at Loew's State with a take of $14,500. "Suez" and "Brother Rat" gave Warners' Hippodrome $14,500 also.

"Five of a Kind" was good for $4,000 at the Allen. Weather was clear all week.

Estimated takings for the week ending Nov. 11:

"Five of a Kind" (20th-Fox)
ALLEN—(3,000) (30c-35c-42c) 7 days. Gross: $4,800. (Average, $4,000)
"Suez" (20th-Fox), 4 days, 2nd week
"Brother Rat" (Warner), 3 days
WARNERS' HIPPODROME—(3,800) (30c-35c-42c) 7 days. Gross: $14,500. (Average, $12,000)
"Hard to Get" (Warner)
RKO PALACE—(3,100) (30c-35c-42c) 7 days. Gross: $7,500. (Average, $8,000)
"The Citadel" (M-G-M)
LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: $14,500. (Average, $13,000)
"Men With Wings" (Para.)
LOEW'S STILLMAN—(1,900) (30c-35c-42c) 7 days, 2nd week. Gross: $4,500. (Average, $5,000)

"Straight, Place" Minneapolis Lead

MINNEAPOLIS, Nov. 15.—"Straight, Place and Show," aided by Glen Gray's Casa Loma Orchestra, turned in a splendid $16,100 at the Orpheum. "That Certain Age," transferred from the Orpheum, did $6,000 and has moved into the World for an indefinite run.

In St. Paul, the best business producer was "Men With Wings" at the Paramount with a take of $5,000.

Estimated takings for the week ending Nov. 10:

Minneapolis:

"Mr. Doodle Kicks Off" (RKO)
"Girls' School" (Col.)
ASTER—(900) (15c-25c) 7 days. Gross: $1,600. (Average, $1,500)
"That Certain Age" (Univ.)
CENTURY—(1,600) (25c-40c) 7 days, 2nd week. Gross: $6,000. (Average, $4,000)
"Campus Confessions" (Para.)
GOPHER—(980) (25c) 6 days. Gross: $3,600. (Average, $3,000)
"Straight, Place and Show" (20th-Fox)
ORPHEUM—(2,900) (35c-55c) 7 days with Glen Gray's Casa Loma orchestra. Gross: $16,100. (Average, $4,800)
"Men With Wings" (Para.)
STATE—(2,300) (25c-40c) 7 days, 2nd week. Gross: $4,800. (Average, $4,400)
"Dark Eyes" (Kassler)
WORLD—(400) (25c-55c) 7 days. Gross: $1,100. (Average, $1,600)

St. Paul:

"Five of a Kind" (20th-Fox)
ORPHEUM—(2,000) (25c-40c) 7 days. Gross: $3,000. (Average, $3,200)
"Men With Wings" (Para.)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: $5,000. (Average, $4,400)
"Youth Takes a Fling" (Univ.)
RIVIERA—(1,000) (25c) 7 days. Gross: $2,000. (Average, $2,400)
"Illegal Traffic" (Para.)
"Always in Trouble" (20th-Fox)
TOWER—(1,000) (25c) 7 days. Gross: $2,000. (Average, $1,600)
"To the Victor" (G. B.)
WORLD—(400) (25c-35c) 7 days. Gross: $700. (Average, $700)

Menard to Daly Circuit

LOWELL, Mass., Nov. 15.—Arthur Menard, former manager under Michael Daly of the Rialto, New Britain, has rejoined the Daly circuit as manager of the Capitol, succeeding Eddie Sokolowsky, resigned.

New York Previews

"Gangster's Boy"

(Monogram)

The story of a boy who is a leader in high school, with his eye fastened on West Point, suddenly confronted with public indignation over the revelation that his father is a retired racket boss, and who proves his worth, makes for undistinguished but popular screen fare, especially for the younger element.

William Nigh, who directed, injected as much action into his film as the original story and screenplay by Robert D. Andrews and Karl Brown permitted, and although that is comparatively little, he contrived to maintain a good pace throughout the film.

Jackie Cooper is effectively cast in the title role, supported by Lucy Gilman and Tommy Wonder, as his pals and children of his most severe critic, Selmer Jackson, the judge; Robert Warwick, who works too hard being tough as the racketeer father, and Louis Lorimer, as his mother.

When his father unexpectedly returns, and his identity is revealed, the boy's hopes of West Point go glimmering, under the attacks of Jackson. Warwick is cast in an entirely sympathetic role, as he attempts to save the boy from the penalty of his own past. Finally, when Cooper makes every effort to take the blame for an accident for which Jackson's son is responsible, Cooper's future is assured.

Running time, 80 minutes. "G."* CHARLES S. AARONSON

"Swing That Cheer"

(Universal)

The blocking back, that vital yet obscure cog in any good football machine, makes genuinely entertaining story material for this picture. Simply told, and acted and directed with an unpretentiousness which keeps the story on the move, the result is a thoroughly satisfactory film of campus romance and gridiron action.

The Carlton College team must win a conference championship to insure the retention of its veteran coach, played by Samuel S. Hinds. In the early season games, Tom Brown, accustomed to a scoring role, is instead developed into a blocking back whose work boosts his roommate, Robert Wilcox, into the limelight as an outstanding ball carrier. Affected by the publicity and fame, Wilcox becomes increasingly conceited, splits with Brown and, on the eve of the championship game, they engage in a fight in which the latter suffers a minor leg injury. Determined to even the score with Wilcox, Brown uses the injury as an excuse for remaining out of the final game. Without his blocking, Wilcox is unable to score. The two reach an understanding in time for Brown to abandon his deceit and go into the game to make possible one of those last-minute winning touchdowns.

A campus romance is threaded into the story with Constance Moore as the girl for whose favor Brown and Wilcox are rivals. Andy Devine, as an assistant coach; Ernest Truex, as a professor, and Margaret Early, as a coed, all in smaller roles, add enjoyment to the film.

The story, bringing in as it does a season's schedule of games, gives the film many excellent football shots. These furnish the best selling angle for the exhibitor. Harold Schuster's direction is in the right key. Max Golden is the associate producer and Elwood Bredell handled the camera.

Running time, 63 minutes. "G."* SHERWIN A. KANE

"Rhythm in the Saddle"

(Republic)

Action fans will get what they're looking for in a stagecoach race as the climax of this latest Gene Autry film. All the previous action leads up to this, for on it hangs a decision as to whether Autry's girl friend, Peggy Moran, and her aunt, Pert Kelton, will get a contract for the following year's rodeo.

The race begins outside the town with three coaches. One loses a wheel and crashes. Autry's competitor has a stowaway who leaps from one coach to another and throws Autry down between the racing horses, but he clings to the rear of the coach as it passes over him, and the two fight it out on top of the coach. The kids ought to go for it in a big way.

There are several songs by the star. Comedy is furnished by Miss Kelton and Smiley Burnette. Some rodeo riding, a night club scene in which Autry sings, a fight in a barn, and considerable shooting precede the stagecoach race.

George Sherman directed from an original by Paul Franklin, with Harry Grey acting as associate producer.

Running time, 58 minutes. "G."* J. M. JERAULD

---

*"G" denotes general classification.

"Take It" at $24,500 in 2 Boston Spots

BOSTON, Nov. 15.—With holdovers occupying three of Boston's six [illegible] t runs, grosses went well above average. "You Can't Take It With You" and "Vacation From Love" grossed $24,500 at Loew's State and the Orpheum.

"Men With Wings" and "Road Demon" did $13,000 at the Metropolitan. "Brother Rat" and "Five of a Kind" led the list at the Fenway and Paramount, grossing $18,000.

Estimated takings for the week ending Nov. 12:

"Brother Rat" (W.B.)
"Five of a Kind" (20th-Fox)
FENWAY—(1,382) (25c-35c-40c-55c) 7 days. Gross: $7,000. (Average, $4,500)
"You Can't Take It With You" (Col.)
"Vacation from Love" (M-G-M)
LOEW'S ORPHEUM—(2,907) (25c-35c-40c-55c) 7 days. Gross: $14,500. (Average, $12,000)
"You Can't Take It With You" (Col.)
"Vacation from Love" (M-G-M)
LOEW'S STATE—(3,537) (25c-30c-40c-55c) 7 days. Gross: $10,000. (Average, $11,000)
"Men With Wings" (Para.)
"Road Demon" (20th-Fox)
METROPOLITAN — (4,332) (25c-35c-40c-55c), 7 days. Gross: $13,000. (Average, $11,000)
"Brother Rat" (W.B.)
"Five of a Kind" (20th-Fox)
PARAMOUNT — (2,970) (25c-35c-40c-55c), 7 days. Gross: $11,000. (Average, $8,000)
"Service De Luxe" (Univ.)
"The Storm" (Univ.)
RKO MEMORIAL—(2,970) (25c-35c-40c-55c) 7 days. Gross: $13,000. (Average, $13,000)

"Suez" at $11,500 Milwaukee's Best

MILWAUKEE, Nov. 15.—With teachers in town for the annual confab of the Wisconsin Educational Association, business opened brisk and all houses cleared better than average grosses. Big take was "Suez" at Fox's Wisconsin with an $11,500 gross.

Second money went to the Palace, where "You Can't Take It With You" and "Mysterious Mr. Moto," collected $8,800.

Estimated takings for the week ending Nov. 10:

"You Can't Take It With You" (Col.)
"The Mysterious Mr. Moto" (20th-Fox)
PALACE—(2,400) (35c-50c) 7 days. Gross: $8,800. (Average, $5,000)
"Last Express" (Univ.)
RIVERSIDE—(2,300) (25c-30c) 7 days. Stage: Clyde McCoy's "Sugar Blues" orchestra. Gross: $6,500. (Average, $5,000)
"Men With Wings" (Para.)
"Five of A Kind" (20th-Fox)
STRAND—(1,400) (35c-50c) 7 days. Gross: $5,000. (Average, $4,500)
"Brother Rat" (W. B.)
"A Man to Remember" (RKO)
WARNER—(2,400) (35c-50c) 7 days. Gross: $6,000. (Average, $5,000)
"Suez" (20th-Fox)
WISCONSIN—(3,200) (35c-50c) 7 days. Gross: $11,500. (Average, $8,000)

Wausau Gets New Board

WAUSAU, Wis., Nov. 15.—A city moral welfare board has been named with Mrs. H. S. Morrison as president and Olga Heinrich, secretary.

First official act of the new body was to oppose the showing of "The Birth of a Baby."

Despite its objection to the picture, the Ritz played the picture for six days, but barred children under 10.

"Suez" Smash Others Slump In Pittsburgh

PITTSBURGH, Nov. 15.—It was all "[illegible]ez," the film getting a smashing $[illegible]750 at the Alvin and a second week. The rest of the town was weak.

Estimated takings for the week ending Nov. 10:

"Suez" (20th-Fox)
ALVIN—(1,850) (25c-50c) 7 days. Gross: $14,750. (Average, $6,500)
"Campus Confessions" (Para.)
"Sons of the Legion" (Para.)
FULTON—(1,700) (25c-40c) 6 days. Gross: $1,850. (Average, $4,500)
"Men With Wings" (Para.)
PENN—(3,300) (25c-50c) 7 days. Gross: $10,250. (Average, $11,000)
"Listen Darling" (M-G-M)
STANLEY—(3,600) (25c-60c) 7 days. Stage: George Olsen's band, Imogene Coca, Phyllis Colt, Tanner Sisters, Massey and Miller, Bob Burton, Kirk Allen. Gross: $15,500. (Average, $18,000)
"Mr. Doodle Kicks Off" (R-K-O)
"Broadway Musketeers" (W. B.)
WARNER—(2,000) (25c-40c) 6 days. Gross: $2,000. (Average, $5,000)

"King" at $12,500 Kansas City Lead As Grosses Slide

KANSAS CITY, Nov. 15.—Two days of rain and snow hurt grosses in a poor week. "If I Were King" gave the Newman $12,600, and was held. Other bills limped.

Estimated takings for the week ending Nov. 8-10:

"Suez" (20th-Fox)
ESQUIRE—(800) (25c-40c) 6 days, 2nd week. Gross: $1,800. (Average, $2,600)
"Suez" (20th-Fox)
UPTOWN—(2,000) (25c-40c) 6 days, 2nd week. Gross: $2,600. (Average, $3,500)
"The Great Waltz" (M-G-M)
"Crime Takes a Holiday" (Col.)
MIDLAND—(4,000) (25c-40c) 7 days. Gross: $9,100. (Average, $11,500)
"If I Were King" (Para.)
NEWMAN—(1,900) (25c-40) (7 days. Gross: $12,600. (Average, $7,000)
"Bride of Frankenstein" (U.)
"Dracula's Daughter" (U.)
ORPHEUM—(1,500) (25c-40c) 7 days. Gross: $4,000. (Average, $5,000)
"The Road to Reno" (U.)
FOX TOWER—(2,200) (25c-35c-55c) 7 days. Stage: Gypsy Rose Lee, featuring Jack Durant. Gross: $11,100. (Average, $8,000)

Kerr Joins Rosener

SAN FRANCISCO, Nov. 15. — John Kerr has been named general manager of the Larkin and Clay foreign language theatres, operated by Herbert Rosener. Kerr will be succeeded as house manager at the Clay by Kenneth Burr, formerly with Ross Federal.

N. H. Operators' Election

NEW HAVEN, Nov. 15.—Local 273, projectionists' union, including New Haven, Ansonia and Derby, will meet for annual election of officers and directors Nov. 20 at Trades Council Hall.

Abe Libson Improved

CINCINNATI, Nov. 15.—Abe Libson, associated with Maurice White in various theatre circuits in this area, is recovering from an operation at the Mayo Clinic, Rochester, Minn.

"Waltz" and "Suez" Cincinnati's High

CINCINNATI, Nov. 15.—"Suez" collected top money with $14,500 at the RKO Albee and was shifted to the RKO Lyric.

"The Great Waltz" was runner-up with $12,000 at the RKO Palace. "Stablemates" continued to click on its third downtown week at the RKO Grand, where the gross was $3,800.

Estimated takings for the week ending Nov. 10:

"Suez" (20th-Fox)
RKO ALBEE—(3,300) (35c-42c) 7 days. Gross: $14,500. (Average, $12,000)
"The Great Waltz" (M-G-M)
RKO PALACE—(2,700) (35c-42c) 7 days. Gross: $12,000. (Average, $10,000)
"Drums" (U. A.)
RKO SHUBERT—(2,150) (35c-42c) 7 days. Gross: $8,200. (Average, $12,000)
"The Citadel" (M-G-M)
RKO CAPITOL—(2,000) (35c-42c) 7 days, 2nd downtown week. Gross: $3,700. (Average, $6,500)
"The Arkansas Traveler" (Para.)
RKO LYRIC—(1,400) (35c-42c) 7 days, 2nd downtown week. Gross: $3,500. (Average, $6,500)
"Stablemates" (M-G-M)
RKO GRAND—(1,200) (25c-40c) 7 days, 3rd downtown week. Gross: $3,800. (Average, $2,750)
"Crime Over London" (G. B.), 2 days.
"In Old Mexico" (Para.), 2 days.
"Vampire Bat" (Majestic), 3 days.
RKO FAMILY—(1,000) (15c-25c). Gross: $2,200. (Average, $2,450)
"Five of a Kind" (20th-Fox)
KEITH'S—(1,500) (30c-40c) 7 days. Gross: $4,200. (Average, $6,500)

"Hard Get," "Wings" Boost Indianapolis

INDIANAPOLIS, Nov. 15.—"Men With Wings" crashed through a quiet week to garner $7,500 for the Indiana. It was moved to the Apollo for another seven days.

Also robust at the box-office was "Hard to Get" on the screen and Count Berni Vici and Company on the stage at the Lyric, for $9,000. Weather continued unusually mild.

Estimated takings for the week ending Nov. 10-11:

"Suez" (20th-Fox)
APOLLO—(1,100) (25c-40c) 7 days, 2nd week. Gross: $2,500. (Average, $3,000)
"Service de Luxe" (Univ.)
"King of Alcatraz" (Para.)
CIRCLE—(2,800) (25c-40c) 7 days. Gross: $3.500. (Average, $4,500)
"Men With Wings" (Para.)
INDIANA—(3,200) (25c-40c) 7 days. Gross: $7,500. (Average, $5.000)
"The Great Waltz" (M-G-M)
"Flight to Fame" (Col.)
LOEW'S—(2,800) (25c-40c) 7 days. Gross: $6,000. (Average, $7,000)
"Hard to Get" (W. B.)
LYRIC—(2,000) (25c-40c) 7 days. Stage: Count Berni Vici and Company. Gross: $9,000. (Average, $8,000)

CCNY's Documentaries

Second program in a series of three showings of documentary films by the Film & Sprockets Society of C.C.N.Y. has been revised to include "Song of Ceylon" (Grierson & Wright), "From Cover to Cover" (Paul Rotha), "The New Earth" (Joris Ivens) and "The Wave" (Paul Strand). The showing will be held at the Pauline Edwards Theatre at 8:15 P. M. on Friday.

Kassler Has Czech Film

Frank Kassler has the American distribution rights to "Girlhood," Czechoslovakian film, starring Lida Baarova. Understood Baarova is the actress recently banished by the Germans, for her attitude in the Czech-German crisis.

There is Only One

"NIGHT OF STARS"

The Show of the Year

TONIGHT

MADISON SQUARE GARDEN

Representing the Contribution of Every Branch of the Amusement Industry to a Great Humanitarian Cause

Featuring in Person

The Foremost Celebrities of Stage, Screen, Radio and Opera

HEADED BY

Eddie Cantor, Walter Huston, Raymond Massey, Irving Berlin, Al Jolson, George Jessel, Hugh Herbert, Lillian Gish, Glenda Farrell, Kitty Carlisle, Lou Holtz, Ben Bernie

LOUIS K. SIDNEY, Chairman, Producing Committee

BEN A. BOYAR, Associate Chairman

Proceeds for Settlement in Palestine of Jews of Germany, Czechoslovakia and Other Lands

Reserved Seats Now on Sale at 111 Fifth Avenue
Leblang-Gray's Ticket Agency and Box Office

▸ Radio Personals ◂

JIMMY DORSEY'S band will substitute for Buddy Rogers' band on the Mutual "Show of the Week" show on Sunday. Rogers is in the hospital as a result of an auto smashup in Ohio . . . Jane Bryan of the "Brother Rat" cast will be interviewed by Radie Harris over Mutual tomorrow . . . Tom Fizdale is back in New York following a stay in Chicago and Hollywood . . . H. V. Kaltenborn will make a guest appearance on Eddie Cantor's show next week . . . Edith Dick, formerly "Hit Parade" vocalist, will join Buddy Clark's show on CBS Sunday.

Two Local Outlets For Benchley Show

Bob Benchley's show for Old Gold, like the Kay Kyser and the M-G-M shows, will have two outlets in New York, a New York key station for a network, and WHN. P. Lorillard Co., which will sponsor the Benchley program over the CBS network starting Sunday from 10 to 10:30 P. M., has entered into a contract with WHN to broadcast the show simultaneously with the network. Lennen & Mitchell placed the account.

With the beginning of the Benchley broadcasts, WHN will be carrying programs of the both major networks, CBS and NBC.

Another new contract just placed with WHN is by the Museback Show Co. for the broadcasting of three five-minute periods weekly. The contract, for 13 weeks, was placed by Leighton & Nelson, Inc.

Two Added to Group Making French Discs

Two foreign language experts have been added to the group now making a series of on-the-spot recordings of American life for the French Government. They are Arthur S. Deter and John Alfred Barrett of NBC's international division. They will make recordings in Portuguese and Spanish, for short-waving to Latin America on the foreign broadcasts over W3XAL, W2XAD and W8XK, NBC international stations.

Deter and Barrett are now en route to join Henri Diamant Berger of France and Jack Hartley, assistant manager of NBC's special events division, who are making the recordings.

Ross to "Hit Parade"

Lanny Ross and Raymond Scott's Quintette have been signed by the American Tobacco Co. for the Lucky Strike "Hit Parade" on CBS. They will start next Saturday, at which time W. C. Fields will leave the program. Lord & Thomas is the agency.

Slater Joins KVOO

Kansas City, Nov. 15. — Norvell Slater, production manager, program director and announcer for WHB, has gone with KVOO, Tulsa, as production manager and program director.

Starr Sues Lamour

While Paramount was entertaining yesterday for Dorothy Lamour, at the Waldorf, with the actress present, a process server who posed as an autograph seeker served the player with a summons in a New York breach of contract suit. Martin Starr, WMCA commentator, is plaintiff in the suit. Starr, it is understood, claims to have discovered Miss Lamour and that, after she hit the road to fame, supposedly forgot all about him or his efforts.

Welles Talks Film Deals But Studio Trek Unlikely Now

Orson Welles has had numerous talks with representatives of studios, but there doesn't seem to be any likelihood that the young actor and producer is going to Hollywood at this time. There doesn't seem to be any definite transaction under way which calls for him to go to the coast in the next few weeks. He has had a very casual discussion regarding the possibility of RKO making "Passenger to Bali," which Welles broadcast the other night.

At the moment the immediate task of Welles and his associates at the Mercury Theatre, of which he is an important principal and founder, concerns the production of "The Five Kings," in which proposed project Mercury is associated with the Theatre Guild. Preparation of the play is well under way and the intention has been to present it in New York this winter.

Mercury had a program of three plays under consideration for this season, one of which, "Danton's Death," is now on display at the Mercury Theatre and doing in the neighborhood of $4,000 a week, enough to keep it going for the time being. It doesn't seem likely that the play will close for a week or two, if it does shut down soon. The third play which Mercury seems to have pretty well in hand is "Too Much Johnson."

Welles' radio program for Campbell Soup begins Dec. 9, and presumably his radio work is just another function of his various Mercury Theatre activities, although his arrangement with the Campbell Soup people is a personal one.

Clothier Sues WNEW On Program Contract

Suit to recover $32,983 damages against WBO Broadcasting Corp., owner of WNEW, was filed yesterday in the N. Y. Supreme Court by Jonas Schainuck & Son, Inc., retail clothiers. The plaintiff has brought suit on an alleged contract made on Feb. 14, 1934, which provided for half-hour broadcasts over WNEW from Monday through Saturday for $400 weekly. The complaint charges the defendant with having cut down the number and length of broadcasts in violation of the contract for the period from February, 1934 to April, 1937.

NBC's Talent Sales in 1937 $6,032,274

(*Continued from page 1*)

Commission. F.C.C. Counsel William J. Dempsey examined Tuthill.

He questioned Tuthill at length on how talent sales were fixed and prices determined upon. Tuthill asserted that in its work the booking office considered only the best interests of artists, without going into Dempsey's apparent purpose to prove that the NBC Artists Service sought to buy talent as cheaply as possible, while selling it otherwise.

Dempsey tried to point out that the average commission on talent was more than eight per cent and argued that the artists bureau showed a profit of $286,000 on overhead expenses of $388,000, or 74 per cent. Tuthill insisted that the profit should be compared with gross commissions, which would bring it under 50 per cent.

Tuthill also declared that no other medium brings the obscure artist into prominence as does broadcasting. He cited the cases of Russ Morgan, whose earnings jumped from $75 to more than $3,000 a week in three years; and Fibber McGee, whose income rose from $150 to over $3,000 a week.

At the close of today's session only four of the 16 scheduled NBC witnesses had been heard. Presumably the lengthiest testimony and cross-examination are yet to come when the inquiry gets into the question of network operations, local stations, sales and finances.

FCC Calendar

Washington, Nov. 15.—The Federal Communications Commission has scheduled hearings on broadcasting applications as follows:

Dec. 19: Application of Yuba-Sutter Broadcasters for a 1,320-kilocycle, 250-watt station at Marysville, Cal.

Dec. 20: Application of Laredo Broadcasting Co., for a 630-kilocycle, 500-watt station at Laredo, Tex.

Jan. 11: Applications of Sweetwater Radio, Inc., for a 1,210-kilocycle, 250-watt daytime station at Sweetwater, Tex.; KTEM, Temple, Tex., for extension of time from day to unlimited with 100 watts night, 250 watts day, and WJAC, Johnstown, Pa., for change of frequency from 1,310 to 1,370 kilocycles and extension of time from sharing to unlimited.

Jan. 17: Application of KGEK, Denver, for change of time from specified hours to day.

The commission also has received an application from WTAR, Norfolk, Va., for increase of day power from 1,000 to 5,000 watts, and an amended application from the Niagara Falls Gazette Publishing Co., seeking a construction permit for 1,260-kilocycles, day only, asking that a power of 1,000 watts be authorized instead of 250 as originally sought.

Banner LINES

WHN is planning a really worthwhile radio show—a program to give refugee entertainers a chance to be heard on the air. The program, it is understood, will be titled "Refugee Theatre of the A[illegible] and the station has enlisted the co-operation of the American Committee of German Christian Refugees, the Catholic Committee for German Refugees and the National Coordinating Committee for Jews and Christians.

Time and starting date yet remain to be set, although the plan being formulated calls for a one-hour program each week. Station and its cooperating agencies are now compiling a list of refugee actors, actresses, song writers, directors, producers, vocalists and musicians.

▼

Franchot Tone seeks to do radio this winter. Elaine Sterne Carrington, writer of network serials, just returned here from Hollywood is now working on scripts. Tone will spend the winter in New York.

▼

A suicide has been caught by the television lens, and now a fire. Both were televised quite accidently. NBC's mobile television unit was out near Ward's Island televising experimentally, when word was received that a fire had broken out nearby. The unit was rushed to the scene of the fire and the cameras trained upon it.

▼

There's a little Jewish lad, son of a rabbi, now en route to Kansas to join the Boys Town unit. He's Herman Shulman, son of the assistant rabbi at a Hackensack, N. J., institution. Singing on Major Bowes' Amateur Hour last Thursday, he was heard by Father Flangan who wired asking that the lad be allowed to join the Boys Town troupe. Poppa Shulman agreed to send his lad along only after he obtained the promise of Father Flanagan that the Jewish dietary laws would be observed at meal times for his boy.

—Jack Banner

See Canadian Radio Boom in Royal Visit

The coming Canadian visit of King George and Queen Elizabeth undoubtedly will bring about a broadcasting boom in the Dominion, according to Joseph J. Weed, president of Weed & Co., station representatives, who has just returned from Canada visiting clients represented by the company.

Radio receiver manufacturers in Canada are basing their estimate of the broadcasting boom on the record-breaking sales of receiving sets in England just prior to the Coronation.

Another reason for the optimism is that the set manufacturers anticipate that the occasion of the royal visit to Canada will make the Dominion the point of origin for a large number of news and special events programs to be relayed to other nations for rebroadcasting.

DO NOT

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE
DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 44. NO. 98 NEW YORK, THURSDAY, NOVEMBER 17, 1938 TEN CENTS

Gotham Losing Ground as NBC Program Point

Drop from 65% to 35 Is Reported to FCC

WASHINGTON, Nov. 16.—New York is no longer the important originating center for NBC programs which it was in 1930. Only 37.6 per cent of the company's program originated in the big town, in 1937, as compared with 65.6 per cent in 1930. How much Chicago and Hollywood or other centers have taken from New York in this respect wasn't shown.

Additional developments in radio on page 8.

This and other facts on the radio business and consumer consumption of radio were revealed at today's session

(*Continued on page* 8)

To Hold Annual UA Meeting Tomorrow

Annual meeting of United Artists stockholders has been called for tomorrow, to follow immediately upon adjournment of a meeting of the board of directors.

The board may act on the deal whereby United Artists will distribute for Albion Films, Ltd., the new producing company headed by Douglas Fairbanks, Sr., and Montague Marks,

(*Continued on page* 3)

Tribute to Zukor

London, Nov. 16.—Adolph Zukor will be invited to attend the Cinema Luncheon Club here on Dec. 14. The invitation is expected to go forward tonight. Since the club is made up chiefly of exhibitors, the invitation is considered a real tribute to Zukor, who is expected here to take up his Paramount post early next month.

U.S.-British Trade Treaty Signed Today

Terms Secret, But Films May Be Covered

WASHINGTON, Nov. 16.—The long pending reciprocal trade agreement with the United Kingdom, possibly involving concessions on American films in the English market, will be signed by representatives of the United States and British Governments tomorrow, simultaneously with the signing by Canadian officials of a new agreement with the Dominion, it was announced today by the State Department.

Details of the two pacts still remain confidential and will not be made public until Friday morning, it was said.

The Canadian treaty is an extension and expansion of the existing agreement, which expires Jan. 1, but the British pact is an entirely new document, in the negotiation of which the situation facing American films in England was an important subject of discussion.

Myers Tips Allied Claims In Trade Practice Parleys

COLUMBUS, Nov. 16.—Allied States' negotiations with distributors on self-regulation persist in the elimination of block booking, and favor local "arbitration" boards plus a central organization to attempt adjustments of distributor-exhibitor differences before submission to local arbitration.

These disclosures of the nature of negotiations between the self-regulation committees of Allied and the distributors were made by Abram F. Myers, Allied general counsel, at the two-day convention of Ohio's Independent Theatre Owners, which ended today at Columbus.

He said that decisions of the local arbitration boards could be enforced in those states having arbitration laws, and "hoped" that they would be complied with elsewhere.

Myers told the 50 exhibitor delegates that he felt he should breach the agreement made with the distributors' committee to maintain silence on the negotiations, because an unnamed outsider had appropriated from Allied quarters notes on the discussions when Allied's committee was meeting with the distributors in Chicago two weeks ago. Allied,

(*Continued on page* 3)

BRITISH CONSIDER ORGANIZING MPPA

Would Include American Producers to Further Work of F.B.I.

LONDON, Nov. 16.—Formation of a producers' association to continue on a wider scale the work of the Film Group of the Federation of British Industries was decided at a dinner of the F.B.I. group last night to consider the future course of the organization. American producers in England were invited to join the planned organization.

The group would have as its aims the furthering of the interests of the producers in every respect and would continue its relations with the F.B.I. A chairman will be elected later. Represented at the dinner were 20th

(*Continued on page* 3)

Theatres Plan In Trust Suit Held Hopeless

Due to the uncompromising attitude of Department of Justice officials, counsel for major companies see no possibility of an acceptable plan being agreed upon for regulation of theatre expansion pending trial of the Federal anti-trust suit.

Numerous proposals have been submitted to Department officials from time to time during recent months, all of which were rejected. Company attorneys predicated every plan submitted on the safeguarding of existing theatre investments only, agreeing to undertake no new deals which were unrelated to this circumstance. The theatre operating companies hold that no plan which does not take into account the protection of their present investments could be countenanced.

Department officials, on the other hand, have insisted on a straight agreement from the companies to maintain the status quo of affiliated

(*Continued on page* 3)

"U" Seeking Legal Advice on Quitting Italian Activities

Legal opinions on Universal's five-year distribution contract in Italy are being sought here and in Rome before the company will make its decision on withdrawing from Italy at the end of the year when the Government controlled distribution monopoly goes into effect there.

Universal's distribution contract was submitted to the Italian Government and approved by it last summer, prior to the issuance of the film decree. For that reason the company now is undecided on its right to withdraw from Italy with other American distributors, Dec. 31.

An adjourned meeting of the Universal board of directors is scheduled for today at which time the Italian and general European situation is to be reported on by J. Cheever Cowdin, chairman, who returned from abroad last week.

Loew's to Pay Extra Dividend of 50 Cents

Loew directors yesterday declared an extra dividend of 50 cents on the common stock, in addition to the regular 50 cents. The dividend is payable Dec. 31 to stockholders of record Dec. 13.

The company on Tuesday paid a regular dividend of $1.62½ cents on the $6.50 cumulative preferred stock.

Hays and Roosevelt In Film Discussion

Washington, Nov. 16.—Significance of motion pictures in current world affairs was discussed by President Roosevelt today with Will Hays at a conference at the White House.

Hays outlined the progress being made on a composite film, "Cavalcade of America," to be produced by leading producers in collaboration with leading historians, depicting principal events in American history, for exhibition in the Federal Building at the New York World's Fair next year.

Following the conference, Hays said the President evinced deep interest in the film and "wished we had such pictures from other nations."

Hays refused to go into details relative to any discussion of the international situation with the President.

Purely Personal

FRANCHOT TONE and Sylvia Sidney are tentatively set to play the leads in "Gentle People," a play by Irwin Shaw to be produced by the Group Theatre. It is scheduled to open on Broadway some time in January.

•

Hugh Hunt of the Abbey Theatre arrives today on the *Queen Mary* to direct "The White Steed," Paul Vincent Carroll play. Other arrivals are George Sanders and Glen Byam Shaw, actors.

•

Mrs. Gordon Wiles will arrive tomorrow from Hollywood to join her husband, art director on "Frankie," now being completed by William K. Howard at Eastern Service Studios.

•

Joseph Malko of the newly formed Egyptian Pictures Co. will trade show "Wedad" today at Miles Projection room. Picture is in Egyptian with English titles.

•

David O. Selznick is expected to arrive here from Bermuda by plane either tomorrow or Saturday and will leave for the coast after a one-day stopover.

•

Ralph Whitehead, executive secretary of the American Federation of Actors, will leave the coast in two weeks to return to the home office in New York.

•

R. B. Wilby arrived in New York from Charlotte yesterday for meetings with Y. Frank Freeman at Paramount.

•

Rex O'Malley arrived in Hollywood from New York yesterday for a role in Paramount's "Marcel."

•

Spyros Skouras and his assistant, Peter Levathes, are due today by plane from a western trip.

•

Nate Goldstein of Springfield, Mass., is in town for Paramount home office conferences.

•

Marc Lachmann, 20th Century-Fox exploitation director, flew in from the coast yesterday.

•

W. C. Handy, composer, will observe his 66th birthday this weekend.

•

Arthur A. Lee and Al Margolies of G. B. to the Yale-Harvard game.

•

Charlo, Argentine player, is here with Jose Razzano, his manager.

•

Oscar A. Doob is trying to shake off a cold.

Hiram Brown on Coast

Hiram (Bunny) Brown, Jr., has arrived on the coast where he has taken over his new duties as Republic studio purchasing agent. He formerly was with Consolidated Film here. He succeeds E. H. Lavenstein, who is heading east.

H. J. Yates to Coast

H. J. Yates leaves for the coast tonight. He will confer at the Republic studio on forthcoming films.

Insiders' Outlook

FOREIGN department heads in New York have had submitted to them recently an offer to distribute in Japan through an organization headed by a member of the family of one of Japan's highest ranking Government officials, the proffered inducement being an assurance that rentals may be withdrawn from the country in dollars rather than yen, and may be taken out immediately, rather than left on deposit in the Yokohama specie bank in San Francisco, as is now the case. But the foreign managers are skeptical of the offer, and there appears to be little likelihood of its being accepted. To distribute any other way than they were doing recently, would mean that the American offices in Japan either would remain idle or have to be liquidated.

▼ ▼

Herman Wobber, 20th Century-Fox sales chief, has the lads extending themselves getting repeat engagements on films, new and reissues, and under his skillful supervision the S. R. Kent drive of the company will have benefited from 437 playdates on past season pictures in many spots where such films have not played before, 11 branches report. The Kent drive ends Dec. 17.

▼ ▼

Marlene Dietrich has not yet returned from abroad for her Columbia picture and the company hasn't had word as to when she will return, according to accounts. Meantime, in the spring, Miss Dietrich may make a film in Paris for Forrester-Parant.

▼ ▼

John Gassner, drama critic and reader for the Theatre Guild, is completing "Masters of the Drama," which Random House plans to publish on its 1939 fall list. It is a history of the drama as viewed through playwrights going back to ancient Greeks and Orientals.

▼ ▼

Republic received a cash advance of $250,000, it is understood, on that British distribution deal which it made with British Lion Film Corp. The new arrangement is for five years. BLF stands to get 35 to 40 per cent in distribution, and Republic may gross upwards of $1,000,000, yearly, from the pact. The previous four-year pact expiring next July was cancelled, and the new five-year arrangement replaced it. This new deal runs until July, 1943.

British Lion plans to make 10 films at its Beaconsfield studios, which is two more films than it produced last year. N. L. Nathanson, Canadian nabob, and a director of BLF, is understood to have sat in with Sam W. Smith, on the transaction.

▼ ▼

Charles Boyer may go to Paris, next year, to make a picture for Andre Daven. Daven and Albert Prejean, French actor, who had accompanied Daven here, sailed on the *Normandie* Saturday, for France. Daven shortly may start a picture starring Simone Simon and Prejean. He is the producer of "L'Orage."

▼ ▼

On Saturday Police Director Higgins of Kansas City will hold a police reporters' reunion to celebrate the closing of the press room at present police headquarters, which is being torn down after 46 years. Among those who have accepted Higgins's invitation are Courtney Riley Cooper; Harlan Thompson, Ralph Block and Bob Shannon from Hollywood; Leo Fitzpatrick of radio, Detroit, all of whom have one mutual qualification—they worked in the press room at some time in their careers.

▼ ▼

Fanning Hearon, executive director of the Association of School Film Libraries, told delegates to the second annual southern conference on audio-visual education in Atlanta that "motion pictures have no instructional equal."

▼ ▼

George J. Schaefer has been elected president of RKO Proctor Corp. and chairman of the board of RKO Orpheum Corp., both of which are theatre subsidiaries. He replaces Leo Spitz in both posts. These offices are in addition to his earlier election as president of Keith-Albee-Orpheum, B. F. Keith Corp., RKO Radio Pictures and RKO Pathe News.

▼ ▼

Alfred Harding, editor of *Equity*, official organ of Actors' Equity, is marketing his first play, "Louisiana," a story of New Orleans in 1814. He is working also on another about a Broadway dramatic critic.

▼ ▼

Mollie Merrick's newest book, "Mysterious Mr. Frame," published by Ives-Washburn, is a good newspaper yarn, full of casual characters, against San Francisco's Chinatown background, which is worth considering for films, were some humor to be evoked from the experiences of a romantic police reporter. Miss Merrick has cut the comedy angle.

Variety Club

Cincinnati

Cincinnati, Nov. 16.—Two rooms are to be added to the club's headquarters with completion scheduled in about three weeks. A housewarming will follow.

John Conrad, executive at WLW, and William A. Schudt, Jr., general manager of WKRC, have been made resident members. P. L. Dysard of Lewisburg, West Va., has been elected a non-resident member, and James A. Conn of Cincinnati has been made semi-resident.

Alice Juergens has been named secretary of the board of trustees.

Omaha

Omaha, Nov. 16.—Members of Omaha Variety Club will hold the annual election of officers on Dec. 3 at a luncheon meeting in club headquarters. Club will select officers to succeed:

Walter M. Green, chief barker; S. J. Francis, first assistant; Ted Mendenhall, second assistant; Sam Epstein, dough guy, and Edward Shafton, property master. Canvassmen are Harry Shumow, Glenn Rogers, Ike Rubin, Roy Palmquist, D. V. McLucas, Bill Foley, H. Novitsky, R. S. Ballentine and Mendenhall.

Washington

Washington, Nov. 16.—An elaborate entertainment has been arranged for the fifth annual dinner and dance to be staged by Variety Club at the Willard Hotel Nov. 19.

Chairman Hardie Meakin, together with Harry Anger and Gene Ford, have been lining up talent.

B. & K. Club Elects

Chicago, Nov. 16.—Newly elected officers of the Balaban & Katz Employes Club are as follows: Roy MacMullen, president; Charles N. Burris, first vice-president in charge of welfare; Walter Lyons, second vice-president in charge of entertainment; Joe Kearns, third vice-president in charge of athletics; Althea Levy, secretary, and Otto Zeman, treasurer. Directors are Ralph Sherry, Leslie Walrath, William Bader.

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco. New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: Motion Picture Herald, Better Theatres, Teatro al Dia, International Motion Picture Almanac and Fame.

BUREAUS:—*Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

"Cowboy" Does $43,000 in 2 L.A. Theatres

Los Angeles, Nov. 18.—"The Cowboy and the Lady" took the big money here, with $22,500 at the Warner Downtown and $20,500 at the Warner Hollywood.

"The Great Waltz" and "Down on the Farm," dualled, grossed $15,690 at the Chinese and $16,618 at Loew's State. "Room Service" and "Breaking the Ice" was good on a dual at the Hillstreet and Pantages.

Estimated takings for the week ending Nov. 16:

"The Great Waltz" (M-G-M)
"Down on the Farm" (20th-Fox)
CHINESE — (2,500) (30c-75c), 7 days. Gross: $15,690. (Average, $12,500)

"Room Service" (RKO)
"Breaking the Ice" (RKO)
HILLSTREET—(2,700) (30c-65c), 7 days. Gross: $8,300. (Average, $6,500)

"The Great Waltz" (M-G-M)
"Down on the Farm" (20th-Fox)
LOEW'S STATE — (2,500) (30c-75c), 7 days. Gross: $16,618. (Average, $14,000)

"Room Service" (RKO)
"Breaking the Ice" (RKO)
PANTAGES — (3,000) (30c-65c), 7 days. Gross: $8,100. (Average, $7,000)

"Men With Wings" (Para.)
PARAMOUNT—(3,595) (30c-65c), 7 days, 2nd week. Stage: F. & M. revue, Rube Wolf and his orchestra. Gross: $15,500. (Average, $18,000)

"The Cowboy and the Lady" (U.A.)
WARNER BROS. (Hollywood) — (3,000) (30c-65c), 7 days. Gross: $20,500. (Average, $14,000)

"The Cowboy and the Lady" (U.A.)
WARNER BROS. (Downtown) — (3,400) (30c-65c), 7 days. Gross: $22,500. (Average, $12,000)

British Trade to Form an MPPA; Will Enlarge Work

(*Continued from page* 1)

Century-Fox, Paramount, M-G-M, Herbert Wilcox, London Films, Associated Talking Pictures, Mayflower and the Pinewood group. Gaumont British and Associated British Pictures were the leading absentees.

It is understood the American companies will go along if it is assured that the group will be entirely representative and in no sense anti-American. Capt. Richard Norton expressed confidence that a new and stronger organization will be developed from the weak F.B.I. Film Group, dissolution of which had been forecast recently.

Andre Barsacq Here With French Players

Andre Barsacq, director, and members of "Theatre des Quatre Saisons" company arrived yesterday on the *Normandie*. Their repertoire in New York will consist of eight productions which have not been seen here. Members of the company include Jean Daste, Maurice Jacquemont, Maurice Meric, Andre Frere, Michel Vitold, Andre Schlesser, Madeleine Geoffrey, Denise Berley, Andre Roussin and Svetlana Pitoeff. The opening performance is set for Nov. 28.

Equity Hits Nazis

Actors' Equity Association in a wire to President Roosevelt yesterday voiced "the horror and dismay of the American theatre world" over the events of the last two weeks in Germany.

Paul Dullzell, executive secretary, sent the following wire to the President: "In the name of the Actors' Equity Association I desire to register my emphatic protest against the horrors perpetrated by the Nazi regime in Germany over the past five years, culminating in the unrestrained savagery and brutality of the last two weeks."

This is the first time the organization has protested against conditions outside its professional field.

Status Quo Theatre Scheme Is Hopeless

(*Continued from page* 1)

theatre ownership pending determination of the suit. All efforts of the defendants to point out the financial danger of such a procedure have been unavailing. In consequence, defendants' attorneys are now preparing to contest the Government's application for a temporary injunction to restrain the companies from acquiring new theatres, which the Department has indicated it is now preparing.

No further conferences in Washington on theatre acquisitions are anticipated by the New York attorneys now unless the Government alters its uncompromising stand before making formal application for the injunction. All companies feel the only course remaining open to them is to contest in court the imposition of what they regard as an unreasonable demand upon their business operations.

Murphy Adapting Story

Dudley Murphy, who has just completed "One Third of a Nation" for Paramount, starring Sylvia Sydney and Lief Ericson, at the Eastern Service Studios, is adapting "Body by Bronson," which he authored in collaboration with Helen Meinardi. Murphy plans to produce and direct the picture in the east.

Warner Managers Plan Sears Drive At Sessions Here

Warner branch managers will hold meetings today and tomorrow on plans for the third annual Sears Drive which will start Dec. 25 and continue for 16 weeks. These sessions follow meetings held this week which the district managers attended in New York and Chicago.

The west coast meeting will be held in San Francisco, with W. E. Callaway, Los Angeles district head, and the following branch managers attending: E. A. Bell, Denver; N. H. Brower, Los Angeles; V. Stewart, Portland; William F. Gordon, Salt Lake City; Henry Herbel, San Francisco; Al Oxtoby, Seattle.

Rud Lohrenz, acting midwest district manager with headquarters in Chicago, will meet in St. Louis with T. R. Gilliam, Chicago; A. W. Anderson, Des Moines; Fred Greenberg, Indianapolis; R. T. Smith, Milwaukee; C. K. Olson, Minneapolis; E. D. Perkins, Omaha; Hall Walsh, St. Louis.

Fred Jack, Dallas district head, will meet in New Orleans with R. L. McCoy, Atlanta; John Bachman, Charlotte; Doak Roberts, Dallas; William Warner, Kansas City; W. O. Williamson, Jr., Memphis; L. Conner, New Orleans; J. O. Rhode, Oklahoma City.

Ed Schnitzer, eastern district head, and Wolfe Cohen, Canadian district manager, will hold their sessions tomorrow. Meeting with Schnitzer in New York will be Paul S. Krumenacker, Albany; N. J. Ayers, Boston; Charles Rich, Buffalo; John Pavone, New Haven; Harry Decker, New York; Harry Hummell, New Jersey.

Cohen will meet in Toronto with L. Geller, Calgary; M. J. Isman, Montreal; L. McKenzie, St. John; H. O. Paynter, Toronto; Joseph Plottel, Vancouver; G. A. Simmons, Winnipeg.

Plan Seattle Film Ball

Seattle, Nov. 16.—Film men in this area will stage a "Movie Ball" this year at Century Ballroom, with Dec. 2 as the tentative date. The committee includes:

Dwight Spracher, Keith Beckwith, Frank Christie, Eddie Rivers, Louis Perunko, H. T. Moore, William O'Connor, Mike Barovic and Ernest Shields.

Myers Tips Allied Claims In Trade Practice Parleys

(*Continued from page* 1)

M. P. T. O. A., unaffiliated units and the distributors have been working under voluntary agreements not to disclose the nature of their conversations until crystallization.

Myers told the convention that Allied's committee proposed certain cancellation percentages on pictures that are identified in contracts, and a higher cancellation, running up to 30 per cent on pictures unidentified.

He told the convention that distributors had agreed to eliminate the score charge on flat-rental pictures, or else combine it with rentals, but that no decision had been made on percentage pictures.

Allied, said Myers, still insists on concessions on the exhibitors' "right to buy" and in clearance, but admitted that both are problems to be worked out by local boards.

The convention reelected all officers and directors, headed by Martin G. Smith, president; M. B. Horwitz, treasurer, and P. J. Wood, secretary.

'Wings' High Denver Gross With $11,500

Denver, Nov. 16.—"Men With Wings" was the best bet here with $11,500 at the Denham. "Citadel" and "Listen, Darling," dualled at the Orpheum, took a strong $11,000.

"Suez" was good with $4,000 in a second week, and "Garden of the Moon" and "Mysterious Mr. Moto" did well at the Paramount with $4,000.

Estimated takings for the week ending Nov. 16:

"Suez" (20th-Fox)
ALADDIN—(1,400) (25c-40c) 7 days, after a week at the Denver. Gross: $4,000. (Average, $3,500)

"Stablemates" (M-G-M)
"Mr. Doodle Kicks Off" (RKO)
BROADWAY—(1,100) (25c-40c) 7 days, after 10 days at the Orpheum. Gross: $2,000. (Average, $2,500)

"Men With Wings" (Para.)
DENHAM—(1,750) (25c-35c-40c) 7 days. Gross: $11,500. (Average, $5,500)

"The Sisters" (W. B.)
DENVER—(2,525) (25c-35c-50c) 7 days. Gross: $8,000. (Average, $8,500)

"Citadel" (M-G-M)
"Listen, Darling" (M-G-M)
ORPHEUM—(2,600) (25c-35c-40c) 8 days. Gross: $11,000. (Average, $7,500)

"Garden of the Moon" (F. N.)
"Mysterious Mr. Moto" (20th-Fox)
PARAMOUNT—(2,200) (25c-40c) 7 days. Gross: $4,000. (Average, $3,500)

"You Can't Take It With You" (Col.)
"Torchy Gets Her Man" (W. B.)
RIALTO—(878), (25c-40c) 7 days, "You Can't Take It With You" after a week at each the Denver, Aladdin and Broadway. Gross: $2,000. (Average, $1,750)

To Hold Annual UA Meeting Tomorrow

(*Continued from page* 1)

which plans three or four features to be made in Hollywood and London. Otherwise, the board meeting may be for routine matters only. The annual meeting of stockholders may reelect directors and take dividend action but no election of officers is scheduled.

Fairbanks will arrive from the coast with Marks tomorrow in time to attend both meetings, scheduled for 2:00 and 3:00 P.M., respectively. They plan to sail for England Saturday on the *Ile de France*. Expected at the meetings in addition to Fairbanks are Mary Pickford, Maurice Silverstone, Emmanuel Silverstone, James Mulvey, Charles Schwartz, Ed Raftery and Dennis F. O'Brien.

Meltzers Drop Suit On Milford Theatre

Chicago, Nov. 16.—With the signing of a new lease, the suit against Continental Properties, Inc., recently filed by the Meltzer Brothers, has been dropped. The suit concerned the leasing of the Milford, owned by Continental Properties, Inc., whose officers are Harry and Elmer Balaban, Milton Spitz and Morris Leonard.

Filing of the suit followed the Meltzer claim that they had agreed upon terms for a new lease on Sept. 16. Later they said they were advised the terms were not satisfactory and were ordered to leave house when the lease expired Oct. 31. However, immediately following the filing of the suit an understanding was reached and a new lease worked out, Warner Bros. acknowledge with pride the widest simultaneous 'A'-Theatre engagements of any attraction in our history.

Grad Sears

Thank

ANGEL

DIRTY

Indiana, Indianapolis · Majestic, Dallas Utah, Salt Lake City · State, Manchester Warner, Worcester · Capitol, Springfield, Mass. · State, Ithaca · Carolina, Winston Salem · Roger Sherman, New Haven · Strand, Hartford · Warner, Bridgeport · Capitol, Shamokin · Strand, Albany · Stanley, Utica Metropolitan, Boston · Palace, Pittsfield Palace, Rochester · Keith, Syracuse · Opera House, Jamestown · Carolina, Greenville National, Greensboro · Granada, So. Bend Palace, Cincinnati · Columbia, Portsmouth Colonial, Akron · Victory, Dayton · State, Springfield, Ohio · Ben Ali, Lexington · Smoot, Parkersburg · Virginia, Charleston · Ohio, Lima · Hippodrome, Cleveland · Warner, Youngstown · Ohio, Canton · Sixth Street Coshocton · Ohio, Mansfield · Capitol Steubenville · Majestic, Houston · Hollywood, Fort Worth · Paramount, Amarill Lyric, Brownwood · Paramount, Tyle Orpheum, Davenport · Iowa, Waterlo Iowa, Cedar Rapids · Grand, Dubuque Capitol, Marshalltown · Mary Anderson Louisville · Orpheum, Kansas City · Hollywood and Downtown, Los Angeles · Fox, San Diego · Granada, Santa Barbara · Ritz, San Bernardino · Warner, Memphis Warner, Milwaukee · State, Waterbury Stamford, Stamford · Palace, So. Norwalk Garde, New London · Broadway, Norwich Empress, Danbury · Warner, Torrington Orpheum, New Orleans · Strand, New York City · Ritz, Newburgh · Branford, Newark Stanley, Jersey City · Fabian, Paterson · Montauk, Passaic · Park, Morristown · Bardavon, Poughkeepsie · Brandeis, Omaha · Fox,

giving!

S WITH FACES

hiladelphia · Orpheum, Sioux City · Astor, eading · Aldine, Wilmington · Colonial, llentown · Stanley, Atlantic City · Grand, ncaster · Palace, Bethlehem · Capitol, York tate, Easton · Comerford, Scranton · Penn ittsburgh · Capitol, Wilkes Barre · Rialto, illiamsport · State, Mt. Carmel · Warner, Erie · State, Altoona · Cambria, Johnstown Victor, New Castle · Columbia, Sharon Ritz, Clarksburg · State, Washington · Fairmont, Fairmont · Manos, Greensburg · State, Uniontown · Warner, Morgantown · Fox, St. Louis · Columbia, Warren · Butler, Butler Latonia, Oil City · Roxy, Springfield, Ill. Fox, San Francisco · State, Eureka · Hanlon, Vallejo · California, Salinas · Fox, Oakland Senator, Sacramento · Mission, San Jose Warner, Fresno · California, Stockton · Liberty, Cumberland · Newport, Norfolk Colonial, Richmond · Stanley, Baltimore

"ANGELS WITH DIRTY FACES"
Starring
JAMES CAGNEY
PAT O'BRIEN
with
THE "DEAD END" KIDS
HUMPHREY BOGART
ANN SHERIDAN · GEORGE BANCROFT
Directed by MICHAEL CURTIZ
Screen Play by John Wexley and Warren Duff • From a Story by Rowland Brown • Music by Max Steiner • A First National Picture

Short Subjects

"Grid Rules"

(M-G-M)

Pete Smith traces the history of football from the early days when the team that took possession of the ball kept it to the end of the game down to the present and shows some of the tricks that have been introduced by coaches year after year until the development of the modern game with forward passing. It's timely and popular. Running time, 10 mins. "G."*

"Hot on Ice"

(M-G-M)

By means of slow motion and miniatures Pete Smith makes ice hockey understandable from the scientific as well as the speed angle. The slow motion explains many maneuvers which to the average spectator are a blur of fast movement. Some of the fouls are explained. When the scenes are turned on at standard speed, with Smith's comment, there are laughs to mix with the general excitement. Running time, 10 mins. "G."*

"John Nesbitt's Passing Parade"

(M-G-M)

John Nesbitt has shown considerable imagination in tracing the history of an automobile from the days of its shiny newness down through its used car career to the junk yard, its squeezing into a bale of scrap iron, its return to the foundry and emergence as a machine gun. The automobile is made to do the talking. Running time, 10 mins. "G."*

KEEP YOUR
RED CROSS
ALWAYS READY

RED CROSS ROLL CALL

November 11 - 24, 1938

Your memberships given NOW assure prompt Disaster Relief, help for disabled veterans, and Life Saving & First Aid training.

Motion Picture Group
W. G. Van Schmus, Chairman

NEW YORK CHAPTER
AMERICAN RED CROSS
315 Lexington Ave., New York

Hollywood Previews

"Storm Over Bengal"

(Republic)

HOLLYWOOD, Nov. 16.—One of the better pictures to come from Republic, "Storm over Bengal," by virtue of its commercial and artistic values, justifies the increased budget. Its 65 minutes are filled with action, suspense and romance set against the background of Northwest India during the revolt of a fanatic seeking to overthrow British rule.

The cast is headed by Patric Knowles, Richard Cromwell and Rochelle Hudson, who are supported by Douglas Dumbrille, Colin Tapley, Gilbert Emery and Halliwell Hobbes.

Sidney Salkow, virtual newcomer to direction, made the most of the opportunities offered by the original screenplay of Dudley Waters and turned out a well balanced film. Armand Schaefer was associate producer.

Knowles and Cromwell, brothers, are alienated because of their love for Miss Hudson, engaged to the former. Knowles, sent on a dangerous mission, is captured by the fanatic, and Cromwell crashes his airplane to prevent the British column from marching into an ambush laid by the rebel, and is killed.

Running time, 65 minutes. "G."* VANCE KING

"G" denotes general audience classification.

"The Little Adventuress"

(Columbia)

HOLLYWOOD, Nov. 16.—Edith Fellows is the star of this picture which sticks pretty close to the standard race horse story formula. There is quite a bit of persecution element in the theme, the purpose of which is to stimulate the more sympathetic emotions. There's a comedy content, to be sure, a trace of romantic love interest and, of course, the customary thrill action conclusion in which the joys of triumph eradicate the memories of disappointment and sorrow.

Only possession of Miss Fellows, an orphan, is a racehorse in which she has great faith. With Cliff Edwards as a companion, she sets forth for the home of her aunt, Virginia Howell. En route, she meets a cousin, Richard Fiske, and then the trio's troubles begin. The horse almost dies, the aunt conspires to have Miss Fellows and Fiske thrown into jail, the girl cannot understand Fiske's romantic attachment for Miss Wells, their jockey is caught trying to double cross them. In the big race, with Miss Fellows in the saddle, the horse wins.

Running time, 60 minutes. "G."*

"G" denotes general audience classification.

New York Preview

"Strange Faces"

(Universal)

Two newspaper reporters—Frank Jenks and Dorothea Kent—on the trail of a gangster—Leon Ames—who has killed his double and has assumed his identity to return to Mason City as a local hero after a 10-year absence furnish some lively action on a small town background. There's more comedy than gangsterism in the development of the story.

Jenks makes a date to meet Miss Kent at the marriage license bureau in New York and departs immediately for Mason City by automobile. Miss Kent beats him there and gets a job on the local newspaper where Andy Devine is editor. In the meantime Ames has made himself solid with the local citizens and is on his way to stealing Devine's girl friend, Mary Treen, who has inherited a fortune.

In the course of untangling the complications Jenks gets himself arrested, Ames throws a man out of a hotel window, both Jenks and Miss Kent get into a comic mixup in a garage, and the picture winds up with an automobile chase in which Ames loses his life.

The picture was not designed as a special, but has its moments and ought to appeal to audiences who like melodrama sprinkled with laughs. Errol Taggart directed. Charles Grayson did the screenplay based on an original by Cornelius Reece and Arndt Guisti. Burt Kelly was associate producer.

Running time, 65 minutes. "G."*

"G" denotes general audience classification.

Medal to Hermann

Columbus, Nov. 16.—John Hermann, Paramount cameraman who accompanied Commander Byrd on his second expedition to Little America and took the official pictures of the entire expedition, will be presented with the Congressional Medal of Honor at a Variety Club luncheon here tomorrow.

Presentation will be made by Gov. Martin L. Davey. Harry Goldstein, Paramount district manager and Duke Clark, branch manager, will attend from Cleveland.

"Take It" Detroit's High with $35,000

DETROIT, Nov. 16. — "You Can't Take It With You" took a smash $35,000 at the Fox. "The Great Waltz" was fair at $8,000. "Suez," moved from the Fox to the Adams for a second week, did $8,400. "Men With Wings" went to the Palms-State for a second week.

Estimated takings for the week ending Nov. 11:

"Suez" (20th-Fox)
"Meet the Girls" (20th-Fox)
ADAMS—(1,700) (10c-40c) 7 days. Gross: $8,400. (Average, $5,000)
"You Can't Take It With You" (Col.)
FOX—(5,000) (15c-65c) 7 days. Gross: $35,000. (Average, $20,000) Stage: Billy Blake, Rosalean & Seville, Shea & Raymond.
"Stablemates" (M-G-M)
"Mother Carey's Chickens" (RKO)
MICHIGAN—(4,000) (15c-65c) 7 days. Gross: $10,000. (Average, $10,000)
"Men with Wings" (Para.)
"When Were You Born" (W. B.)
PALMS-STATE—(3,000) (15c-50c) 7 days. Gross: $5,500. (Average, $5,000)
"The Great Waltz" (M-G-M)
UNITED ARTISTS—(3,000) (15c-50c) 7 days. Gross: $8,000. (Average, $10,000)

Ellis to Be Narrator For Canadian Reels

MONTREAL, Nov. 16. — Christopher Ellis, veteran newscaster and script writer, has been signed as narrator for a series of Government-sponsored reels, titled "The Kinsmen." Produced by the Association of Screen News for the Canada Wheat Board, the pictures will be distributed abroad.

Senator to Open Nov. 24

PITTSBURGH, Nov. 16.—The Harris Amusement Co. will reopen the Senator, formerly Loew's Aldine, Nov. 24 with "Service De Luxe" on the screen and John Boles in person on the stage. Ken Hoel has been named manager of the Senator. He moves there from the Liberty, where his successor will be John O. Hooley.

Darmour Re-Signs Holt

HOLLYWOOD, Nov. 16.—Jack Holt was signed to a new one year contract today by Larry Darmour for the fourth consecutive year. Darmour said budgets would be increased on the Holt vehicles, which will be released by Columbia.

W. B. Buy "Elizabeth"

HOLLYWOOD, Nov. 16. — Warners have purchased the Maxwell Anderson play, "Elizabeth the Queen." Bette Davis and Errol Flynn will be starred in the production.

ESSENTIAL BOOKS FOR SUCCESSFUL THEATRE OPERATION

AIR CONDITIONING

by CHARLES A. FULLER

$4.00
POSTPAID

567 pages, dealing with air and its properties, plant load calculation, air distribution, grilles, heating and dehumidification, fans, cooling coils and air-washers, mechanical refrigeration processes and machinery, well drilling and well-water cooling, ice cooling, storage refrigeration, evaporative condensers and water saving devices and methods, unit coolers, automatic control, air cleansing and purification, and codes and ordinances regulating installation. Book is bound in cloth, has index system and psychrometric charts.

H. F. RICHARDSON'S

BLUEBOOK of PROJECTION

$6.25
POSTPAID

This is the revised sixth edition and is now in its second printing. It includes 722 pages of up-to-the-minute text, charts and data with detailed description of assembly, wiring and functioning of all modern sound and projection apparatus. It is a practical "trouble shooter," and is cross indexed for immediate reference in any projection room emergency.

MOTION PICTURE ALMANAC

$3.25
POSTPAID

The 1938-39 edition is bigger and more comprehensive than ever before. *International* in scope, it contains over 1200 pages crammed with vital facts and figures covering every phase of the Motion Picture Industry. The Who's Who section alone, includes more than 12,000 biographies. Every exhibitor needs this annual industry reference. Edited by Terry Ramsaye.

THEATRE ACCOUNTING

$4.00
POSTPAID

Written by William F. Morris. Acknowledged to be the best bookkeeping system for theatres. Enables you to keep your accounts easily and accurately, tabulating each day's receipts and expenses. Guards against income tax troubles and losses through errors. Thousands of exhibitors are using this ledger because it is easy, self-operating and accurate. Order yours to-day.

MOTION PICTURE

SOUND ENGINEERING

$6.50
POSTPAID

547 pages; illustrated; covers every practical method and process in present-day sound engineering. Leading engineers explain every detail of apparatus and its arrangement, with diagrams, tables, charts and graphs. This manual comes straight from the workshops of the studios in Hollywood. It is indispensable to everyone working with sound equipment.

QUIGLEY BOOKSHOP

ROCKEFELLER CENTER, NEW YORK CITY

Gotham Losing Ground as NBC Program Point

(Continued from page 1)

of the present monopoly investigation by the Federal Communications Commission.

John F. Royal, vice-president in charge of programs, credited the work of American station with making the United States preeminent in set ownership. He testified that it was the diversified popular programs broadcast here which made this possible.

With 38,000,000 radio receivers in use, this country has more sets than the aggregate number in the 12 countries which have more than 1,000,000 each, Royal declared. An average of 290 sets per thousand of population is 100 sets per thousand higher than Denmark, which is in second place, he said. A chart was introduced to prove that countries where dance and light music are broadcast are far ahead in set ownership of countries where serious music predominates.

Daniel S. Tuthill, assistant managing director of the NBC Artists' Service, concluded testimony this morning. Tuthill stated that he had no records to show how many of the 300 artists now represented by the NBC bureau were formerly under CBS or other management. A decision to recall George Engles, head of the bureau, was abandoned when it was learned that the latter is ill.

Royal, in his testimony, pointed out that NBC programs offer more drama, talks and music than stations in any of the six European countries where statistics are available.

Colonial Network to Handle Boston Games

BOSTON, Nov. 16.—WAAB and the Colonial network have purchased exclusive broadcasting rights of the Boston American League games. The contract is for two years, and was arranged by John Shepard, head of the Colonial network, and Bob Quinn, manager of the team.

Similar arrangements are now being discussed with the Boston Red Sox, with a definite decision expected by December.

Take "Minute Mysteries"

Associated Bar Stores, Inc., have purchased the entire output of 52 transcriptions in the "Five-Minute Mystery" series for broadcast under its label over WTAR, Norwalk, Conn. WHAI, in Greenfield, Mass., has also purchased the entire series for a local client.

Thomas, Fish to Debate

Norman Thomas, Arthur T. Robb, editor of *Editor and Publisher*, and Congressman Hamilton Fish will discuss free speech in a debate on the "Town Meeting of the Air" Nov. 24.

Murrow on Lecture Tour

ALBANY, Nov. 16.—Edward R. Murrow, European director of CBS, opened a lecture tour here today, with the "European Situation" as his subject.

FCC Ask Approval Of Civil Service On Purge Ousting

WASHINGTON, Nov. 16.—Civil Service Commission approval of the discharge of Davis G. Arnold, chief examiner; Melvin H. Dalberg, principal examiner, and G. Franklin Wisner, information expert, was asked yesterday by Chairman Frank R. McNinch, it was revealed today by the Federal Communications Commission.

The three men were summarily discharged last week as part of McNinch's "purge" of F.C.C. personnel and, being under civil service, approval of the Civil Service Commission was necessary.

It was disclosed by McNinch that before asking the commission to vote on the dismissals he conferred with William J. Dempsey, recently made general counsel following the dismissal of Hampton P. Gary, and was advised his proposal was within civil service law and rules.

Lewis, Olmstead to Coast on Gulf Show

Tom Lewis and Clarence Olmstead of Young & Rubicam's radio department left for Hollywood yesterday to confer with officials of the Screen Actors' Guild on the proposed program for the Gulf Gas Co.

The proposed program would use screen players, with all fees, writing, acting and production going into the S.A.G. fund, rather than to the professionals.

Negotiations between the client and the S.A.G. for the program have been under way for some weeks, and it is understood the negotiations are now in their final stages, with a deal likely to result from the present trip of Lewis and Olmstead.

US Court Dismisses Suit Against Dumont

Patent infringement suit of Rubin Condenser Co. and P. R. Mallory & Co., Inc., against Dumont Electric Co. and Phil and Jacob Dubilier, has been dismissed without prejudice in the U. S. District Court by stipulation of the attorneys. The plaintiff had sought an injunction, accounting of profits and judgment for damages, claiming infringement of five patents filed in 1927, covering improvements to condensers.

Emerson to Appeal Case

Emerson Electric Manufacturing Co. filed notice of appeal in the U. S. District Court yesterday from a dismissal of its action by Judge Henry W. Goddard after trial. Plaintiff alleged that Emerson Radio & Phonograph Corp., Emerson Television-Radio, Inc., and Benjamin Abrams wrongfully used the trademark "Emerson" and sought an injunction.

Rosen Rejoins WLW

CINCINNATI, Nov. 16.—Milton Rosen, previously of the WLW musical staff, has rejoined that station as arranger and composer, after an absence of more than a year in California where he joined Vladimir Bakaleinkoff in writing music.

More Latitude

Mexico City, Nov. 16.—More latitude is apparently to be allowed lecturers on Mexican radio stations. Henry W. Curtis, announcer for XEB, obtained an injunction against orders of the Ministry of Communications and Public Works that he be suspended from his employment because the Ministry considered immoral an account of the interview between Cleopatra and Julius Caesar.

The court held that the Curtis account was entertaining and historically true and as it did not infringe the Mexican Constitution, the announcer is entitled to continue.

WRDO Is Joining NBC Network Soon

Another station has been added to NBC's network with an agreement just signed between the network and WRDO, Augusta, Me. The station has a power of 100 watts operating on a local channel of 1,370 kilocycles. It operates full time, and joins the network in December.

WRDO, the rate card for which is $60 per evening hour, will be made available only to advertisers using WLBZ, Bangor, which also joins NBC in December. C. E. Kennison is the manager of WRDO.

Two New Stations in Mexico City Opened

MEXICO CITY, Nov. 16.—XEQ, with 50,000 watts and 710 kilocycles, has been opened here by the Radio Panamericana, S. .A, subsidiary of the company that runs the select Cine Teatro Alameda, leading theatre, and XEW.

The magazine *Hoy* (*Today*) a weekly, has established XERH here. It operates on a frequency of 1,430 kilocycles.

Concession of XEGW here has been cancelled by the Federal Government because it failed to comply with provisions of its franchise.

Paley Drops Trust Shares

William S. Paley has relinquished his voting trust for Class B shares of the broadcasting company, it develops from a letter delivered to stockholders. Paley's voting trust for this stock dates from an agreement made in 1934. By the trust Paley was empowered to elect all of the Class B directors.

Change Kaufman Time

Sidney Kaufman's program of film comment, formerly heard over WQXR on Wednesdays, hereafter will be broadcast on Thursdays at 9:45 P. M.

Pillsbury Now on WOV

The Pillsbury Flour Mills Co. has made its radio entry into the Italo-American field with the beginning of a new series of announcements over WOV, International Broadcasting Corp. station here. Arthur H. Ashley agency placed the business.

▸ *Radio Personals* ◂

EARL FERRIS leaves New York today for a business trip to Chicago and Hollywood. . . . Leo Tyson, manager of KMPC, Hollywood, arrives in New York today for a brief visit. . . . Jack Salter of Evans & Salter, affiliated with Columbia Concerts Bureau, returns from the coast today. . . . Kay Thompson is vacationing in Maine for a few days. . . . Jessica Dragonette, concluding another leg of a concert tour, will be back in New York on Saturday. . . . Old Gold cigarettes, sponsoring Robert Benchley in a new program starting Sunday, will tender a press party in a CBS Playhouse tomorrow afternoon.

✚

Pittsburgh

Ralph de Stefano, who used to be with Herbie Kay's band, has joined Al Marsico's outfit on WWSW via the "Show Boat" . . . Johnny Davis, announces at WWSW, is playing the role of a radio announcer in the Catholic Theatre Guild's production of "The New Sin" . . . Bernie Armstrong's weekly variety show, "Time Out for Fun," is back on KDKA after being sidetracked for several weeks by political broadcasts . . . Bill Beal is now both writing and delivering the daily "Movie Magazine of the Air" over KDKA . . . Havey Boyle, sports editor of the *Post-Gazette*, is now doing a commercial sports talk on the Isaly Dairy "Big Swing" program every Monday night over WCAE.

✚

San Francisco

Monthly dramatic auditions have been scheduled by KFRC, under direction of Ben Harkins . . . KFRC's assistant manager in charge of production, Bill Pabst, back from three-week business trip to New York . . . Leaders in California's $70,000,000 natural gas industry were interviewed over KSFO, in a special salute to that industry . . . Marian Ford has been named chief of KJB's traffic department . . . Former KPO engineer Harold Yokela has joined staff of KRE, Berkeley, as announcer-producer . . . Walter Kelsey, NBC musical director, is airing a new "Design for Music" series strictly in operetta form.

✚

Cincinnati

WLW and the *Cincinnati Enquirer* are exchanging courtesy announcements of Walter Winchell and "Terry and the Pirates," which are carried by both the station and the newspaper . . . James D. Shouse, vice-president of Crosley Corp., has been awarded a medal as winner in the WLW Artists Match at the National Muzzle Loading Championship. He defeated Joe Ries, educational director, and George C. Biggar, rural program supervisor . . . Initial Christmas broadcast of the season has been inaugurated by WCKY.

Texaco Time Change

Texaco's "Star Theatre," now heard Wednesdays from 9:30 to 10:30 P. M. on CBS, will shift time from 9 to 10 P. M., starting Nov. 23.

FILE COPY
DO NOT REMOVE

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 44. NO. 99 NEW YORK, FRIDAY, NOVEMBER 18, 1938 TEN CENTS

NBC's Talent Sales in 1938 $15,000,000

'37 Figure $6,032,274; Mail Vital Factor

WASHINGTON, Nov. 17.—NBC's income from sale of talent to advertisers will reach $15,000,000, this year, according to testimony of John F. Royal, vice-president, in charge of programs, at the monopoly hearings now being held before the Federal Communications Commission. The total is apparently two and a half times the 1937 figure, which previous testimony indicated at $6,032,274.

NBC's program budget, for 1938, is $5,200,000, of which amount

(Continued on page 8)

Additional developments in radio yesterday on page 8.

Quota Films Only Planned by Para.

LONDON, Nov. 17.—Paramount will confine its British production activities to the making of quota films only, it was learned here today. The decision means that no high budgeted pictures for world distribution, entailing the assignment of Hollywood stars, producers, directors and technicians to London, will be made by the company here.

Budgets for the quota films were not revealed but average cost of this type of picture is around $40,000.

U. A. Employes Condemn Nazis

United Artists employes, headed by Maurice Silverstone, operating head of the company, have wired President Roosevelt voicing appreciation of the Chief Executive's "humanitarian views" regarding the atrocities in Germany.

"You have ably voiced the feeling of horror and indignation of the American people toward the Nazi brutality and we all earnestly hope in pursuance with your high ideals that at the appropriate moment you will use your great influence towards obtaining a discontinuance of all relationship with a nation that has such wanton disregard for human rights."

UA Board to Hear Profit-Share Plan; Selznick's Deal Up

Modifications of United Artists profit-sharing plan will be presented to the company's board for action at its meeting scheduled for today. The modifications are understood to meet objections voiced to the original plan by Charles Chaplin and Mary Pickford. These will be presented by Maurice Silverstone, chief executive of the company.

David O. Selznick will confer with Silverstone today.

Selznick returned yesterday from a vacation in Bermuda and will be here

(Continued on page 5)

Newsreels Watch 16mm. as Possible Source for Films

Newsreel heads are closely watching developments in the 16mm. field for various phases that may be incorporated in newsreel production. They are investigating the competitive angle as well.

Recent events abroad have proved that films made on 16mm. stock can be used to advantage by newsreels. With the central European map changing quickly, newsreels found it impossible to have camera men at every vantage point and were eager to obtain films from amateurs. Enlarged to standard size, these films were found to be almost as good as those taken on 35mm. stock.

The practice of filling the gap with amateur films is not a new one with the newsreels, but only recently has 16mm. camera technique been developed to a point where the newsreel executives have become exceedingly curious about the narrow gauge medium.

Hitherto, 16mm. production has been limited chiefly to the commercial, educational, scientific and home film fields.

Newsreels are watching the progress of the home town newsreel pro-

(Continued on page 5)

U.S.-BRITISH TRADE PACT OMITS QUOTA

Only Film Concession Is Preferred Market In 10 Colonies

WASHINGTON, Nov. 17. — Great Britain's new film quota which went into effect last spring is not affected by the reciprocal trade agreement signed here today, despite the American representatives' efforts to obtain adjustments.

The only concession was the establishment by the United Kingdom of a preferential market for American film exports to 10 British colonies, which in 1936 had total imports of motion picture film and equipment valued at $390,000.

Motion pictures are not listed as an item of negotiation in the 170 pages required for details of the agreement. However, it is understood the film situation in the British market was discussed by the negotiators. The Americans sought quota revisions which would alleviate the situation.

The new agreement goes into effect Jan. 1 for a period of three years. It

(Continued on page 5)

British Labor Probe Report Believed Dead

Agreements in Industry Halt Publication

LONDON, Nov. 17.—Proposal to issue a report on the Government's investigation of labor conditions in the British film industry is authoritatively believed to be dead, following a meeting today at the Board of Trade between Government officials and Cinematograph Exhibitors' Association representatives.

It was intimated that the Government and the exhibitors expressed

(Continued on page 5)

Holdovers Strong Broadway Grossers

Second week holdovers on Broadway proved strong attractions. "Brother Rat" earned an estimated $36,000 at the Strand, and "The Citadel" brought an estimated $37,000 at the Capitol. Both will go for a third week. "That Certain Age" was reported at $42,000 at the Roxy for its second week with "Submarine Patrol" opening there today. Second week of "The Young in Heart" grossed about $75,000 and made way for "Sixty Glorious Years" at the Music Hall yesterday.

Dec. 1 has been set for the opening of "Pygmalion" at the Astor but no national release date has been set yet. "Marie Antoinette" will wind up a 15-week run on Nov. 27.

Sailor's Widow Wins $30,000 from M-G-M

HOLLYWOOD, Nov. 17. — Federal Judge Harry Hollzer today awarded a $30,000 judgment without limitation of liability to Mrs. Helen Gonmesen, widow of Kristen Gonmesen, against M-G-M. Gonmesen was a seaman who was swept overboard in the Pacific during the filming of "Captains Courageous." Suit was based on the contention that the ship was unseaworthy and improperly manned.

"Devil's Island" Is Shelved by Warner

"Devil's Island" apparently has been removed from the schedule of Warner releases. A new list of the Warner product does not include this picture. The reason is unknown, as this film has been completed, having been produced by Bryan Foy, and came in at a good round figure. Of course, it may be that Warners are proving that discretion is the better part of valor, because it is probable that a picture which projects the brutal aspects of such a penal colony as the French island prison, might cause some international dispute, from the French point of view particularly. Thus Warners are sacrificing an opportunity for commercial gain in the interests of international peace and goodwill. "Devil's Island," insofar as known, was undertaken by W. B. after France had banned the prison colony, but under the Daladier government, Devil's Island was reinstated.

Purely Personal

JACK L. WARNER, vice-president in charge of Warner production, will leave England on the *Normandie*, and is scheduled to arrive in New York Thankgiving Day. He will leave here for the coast Dec. 3 with **S. Charles Einfeld**, director of advertising and publicity.

•

Ray Milland will leave by plane Dec. 12 on the first leg of his journey to England. Milland recently completed "Men With Wings" and is now working in "Hotel Imperial," both for Paramount.

•

Louis D. Frohlich and **Herman Finkelstein** of Schwartz & Frohlich, counsel for Columbia, left last night for Indianapolis for a hearing on an infringement suit against the company.

•

Simon Lake, inventor of the modern submarine, lectures tonight at the "Submarine Patrol" exhibit at the Museum of Science and Industry. He showed Nancy Kelly around yesterday.

•

Ed Kuykendall, M.P.T.O.A. president, will leave New York for his Columbus, Miss., home today. He plans to be back here for final trade practice conferences in three weeks.

•

Ralph H. Unks, Ross Federal supervisor for upstate Pennsylvania, has been promoted to assistant branch manager in Philadelphia, replacing **W. R. Schwartz**.

•

Frank Lloyd, Paramount producer-director, and **Lou Smith**, associate producer, left for the coast last night to start work on the forthcoming film, "Ruler of the Seas."

•

Rouben Mamoulian will arrive in New York from the coast today to interview candidates for the leading role in "Golden Boy," which he will direct for Columbia.

•

Ben Kalmenson, southern and western sales manager for Warners, will leave today for the company's Los Angeles branch. He will be gone about two weeks.

•

Barney Glazer, who resigned recently as an associate producer for Warners, will arrive in New York from the coast this weekend for a vacation.

•

Douglas Fairbanks, Sr., who arrived from Hollywood today, has changed his sailing date to Nov. 28, when he will leave for England on the *Normandie*.

•

Harold Rodner and **Harry Goldberg** of Warners have returned from the Ohio I.T.O. convention in Columbus.

•

Mr. and Mrs. George Schaefer will celebrate their 20th wedding anniversary Sunday.

•

Ward Morehouse of the *Sun* leaves today for a Caribbean cruise.

•

Jack Oakie is due here today with his wife en route to Europe.

Insiders' Outlook

ESTABLISHMENT of a permanent bureau to handle press relations for the entire industry is urged in a report submitted to George J. Schaefer yesterday by the advertising committee of Motion Pictures' Greatest Year.

Basis of the recommendation is the need which the committee sees for preserving the good will of the press and public toward the industry which was established during the drive.

The report, prepared by Howard Dietz, chairman of the campaign advertising committee, points out that the apparent good will did not exist prior to the campaign and could easily be destroyed or dissipated by neglect.

▼

"We must continually present the press with the story of motion pictures in the best light," Dietz declares in his report. "I propose a continuing organization be provided. This organization should have a paid staff which is a clearing house for the industry and which is ready to visit papers and other concerned organizations. Best would be an organization of publicity and advertising men—a motion picture press club that would thoroughly function and have an objective. One of the functions of this group should certainly be continuance of the personal contact work which has been established during the campaign."

Dietz's report also urged industry consideration of a continuing advertising campaign, observing in this connection that "it would be unwise to do this again without preparation."

▼

"It is impractical," the report states, "for those in charge to undertake in the future the tasks that were so hurriedly assigned to them in the present emergency. . . . At least six months research should be done with a view toward establishing a psychological basis for a continuous good will campaign somewhat in the manner of the utility industries."

Expressing the hope that the present campaign is merely the start of a permanent program for the industry's public relations, Dietz recommends that the future activities include research, house to house canvasses, polls, continuous exhibitor and patron interviews, in addition to many forms of advertising and publicity.

▼

Its aim should be, Dietz says, "a real effort to find out the subjects the public is interested in, what they think about motion pictures, why they go and why they don't go."

The report states that 37,000,000 Quiz contest booklets were printed and that 30,000,000 have been distributed to date. An approximate total of $185,000 in accessories was distributed. Daily newspapers printed 610 editorials in connection with the campaign, and six books were filled with published material relating to the drive.

▼

The nation's 1,950 newspapers were contacted by Eddie Melcher in New England, Richard V. Anderson in the south, Mark Freeland, the middle east, Al Selig, middle Atlantic and Archie Nash, middle west.

Agencies which placed the campaign advertising included Biow, Blaine-Thompson, Buchanan, Donahue & Coe, J. Walter Thompson, Kayton-Spiero and Lord & Thomas.

The report pays enthusiastic tribute to the work of individual advertising and publicity men who conducted their assignments in addition to their regular work. Named in this connection are S. Barret McCormick, Monroe Greenthal, Robert S. Gillham, Charles E. McCarthy, Earl Wingart, Mort Blumenstock, Oscar Doob, John Dowd, James Clarke, Harry Goldberg and Agnes Mengel.

Para. to Be Host to I.T.O. of California

Hollywood, Nov. 17.—Paramount executives and players will be hosts to the I.T.O. of Southern California at the Carthay Circle, Dec. 16, when a special entertainment will be staged for the exhibitors in connection with their annual meeting. Formerly all major studios contributed to the annual entertainment for the local organization.

The program will consist of a stage show to be produced by Leroy Prinz and Cliff Lewis and a screening of "Artists and Models Abroad."

1,500 Cities Share In "Waltz" Contest

About 1,500 cities in virtually every state will have participated in M-G-M's "Great Waltz Contest" by the time the finals are held at the Waldorf-Astoria Dec. 12, according to William R. Ferguson, exploitation manager.

From a standpoint of publicity, Ferguson says it's the biggest thing the company has ever promoted. Newspapers are cooperating with theatres in staging local contests and semifinals in 12 zones. The *World Telegram* here is continuing daily plugs until the finals.

Golden Urges End Of Block Booking, Theatre Divorcing

Elimination of block booking and divorcement of theatres from distribution are the solutions to the industry's ills, Edward A. Golden, Monogram vice-president, said yesterday on his return from an extended trip.

Self regulation won't work and Government regulation is dangerous, Golden believes. He offered this suggestion:

"Let the industry agree to the selection of a representative state in the Union to be used as a testing ground for pictures to be exhibited with block booking eliminated and theatre operation divorced from distribution for a definite period of time. In the results, I believe, the answer will be found."

There are dangers in self regulation, because "selfish interests can convert it into a farce of regulation intended to serve their own ends," Golden charged. He declared, however, that the industry leaders are sincere in their "anxiety" to solve its problems.

As a member of the former NRA Code Authority, Golden gave it as his experience that self regulation is not feasible because "the regulations represent vested interests and of necessity must operate so that their own interests are protected, even to the detriment of others involved."

He said he opposes Government regulation of the industry as he fears this would lead to regimentation.

One of the exhibitors' major requests in the trade practice talks, 20 per cent cancellation, will only defeat the independents as the big circuits will buy 20 per cent more product to cover the cancellations, Golden said, and the small exhibitor will be no better off.

Recognition of independent production in order to help create more big companies is the key to many of the exhibitors' problems, which are due chiefly to inflated exhibition and the fact exhibition has not maintained progress with production, he declared.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco. New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: Motion Picture Herald, Better Theatres, Teatro al Dia, International Motion Picture Almanac and Fame.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager: William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square. W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

"Submarine Patrol" off to sensational start at Roosevelt, Chicago! Wednesday opening tops Saturday openings of all 20th hits since last May with one exception!... Enthusiastic audience response insures unprecedented word-of-mouth!*

20th CENTURY FOX
THE KEYSTONE OF YOUR FUTURE

*Further confirmation that your best bet for Thanksgiving is...
"SUBMARINE PATROL"

Village Films

Campbellsport, Wis., Nov. 17.—This village of 800, without a theatre of its own, has inaugurated weekend films in the local Opera House under the sponsorship of a dozen merchants. Persons patronizing these merchants can obtain a special ticket good for any show at a five-cent admission for adults or children.

Regal Sues Gaumont On "Rothchild" Film

Gaumont British Picture Corp. ot America, Gaumont British Picture Corp., Ltd., and Arthur A. Lee were named defendants yesterday in a suit filed in the N. Y. Supreme Court by Regal Distributing Corp. and Kayart Theatres Corp. At the same time the plaintiffs filed application to examine Lee, both individually and as an officer of the defendants, in order to frame a complaint.

Suit asked the court to rule that the French picture, "Rothchild," to which Regal has United States distributing rights, does not infringe upon the defendants' picture, "Mr. Hobo."

Right to Tax Private Theatres Put to Test

New Orleans, Nov. 17.—A test suit to determine the right of the city to collect a two per cent amusement tax from private and semi-private theatres, where no admission charge is made but annual membership dues are collected, has been filed by Frank Fairley, city amusement tax collector, against Henry Garic, president of the New Orleans Little Theatre. It is understood that the suit is a friendly one brought for the purpose of settling the question.

Open Boston House Soon

Boston, Nov. 17.—F. E. Lieberman is rushing work on the Normandie, which he plans to open shortly.

Short Subjects

"Men in Fright"

(*M-G-M*)

An Our Gang number with a hospital background and plenty of laughs. The gang visits one of their number who has just had her tonsils removed. One of the boys allows a young patient to use his clothes for a dime and soon finds himself on the way to the operating table. The rest of the gang eats the food brought for the tonsil patient and they all wind up in bed. Fine entertatinment. Running time, 11 mins. "G."*

"Goonland"

(*Fleischer-Paramount*)

Poopdeck Pappy is introduced to Popeye fans as the latest Fleischer character. Popeye goes to search for his father, imprisoned by the Goons for 40 years. He finds him and together they conquer the Goons and escape. The conquest is aided by the usual spinach. A creditable addition to the popular series. Running time, 7 mins. "G"*

New York Preview

"Sixty Glorious Years"

(*Wilcox-RKO*)

Herbert Wilcox, with access to Buckingham Palace, Balmoral Castle and other of the English properties, and most particularly to the personal diary of Queen Victoria, has drawn a fascinating picture on a broad and colorful canvas.

Compressing 60 years of the vigorous and eventful reign of Queen Victoria into motion picture length is no easy task, and the producer has succeeded in making his film much less episodic than might easily have been the case. Done in magnificent color, which lends a great deal to the inherent majesty and pageantry of the subject matter, the picture emerges as distinctive and impressive screen entertainment.

The producer has made a most happy choice in the selection of leading players. Anna Neagle brings an admirable restraint and dignity to the role of the sincere and keen-minded queen, she ages with the passing years authentically and, in all, offers a memorable performance. Opposite her is Anton Walbrook, as her Prince Consort, Albert, and he, too, acquits himself in superlative fashion. Particularly effective in the supporting cast are C. Aubrey Smith, as the gruff and aging Duke of Wellington; Charles Carson, as Robert Peel; Felix Aylmer, as Lord Palmerston; Derrick de Marney, as Disraeli, and Gordon McLeod, as the Scotchman and friend of the queen in her later years, John Brown.

To Miles Malleson and Charles De Grandcourt must go considerable credit for a smooth and competent story, which steps comparatively gracefully from highlight to highlight in the life of Queen Victoria. Touches of action have been interlarded to increase the pace at times, such as the British troops in action during the Crimean War; crowds moving on the Palace during violent public reaction to Albert, who had sought a policy of conciliation before that conflict; the tribal attack which resulted in the fatal attack on General Gordon at Khartoum, and the like.

Likewise enhancing the effectiveness of the film are the beautiful scenes in color of the Scotch country about Balmoral, always the most restful and most loved retreat for the queen. The early part of the film is centered about the great love of the queen and Albert, picturing the manner in which they understood and helped one another, especially showing his guiding hand in indicating policies most advantageous to England. His heartbreak at the largely unsympathetic treatment he received at the hands of the British public and Parliament is pictured as the cause of his death, and the queen's terrible loss is made real and dramatic by Miss Neagle. Then, her nine children full grown, she emerges from the shell of mourning, and England enters upon the brightest years of her reign, beloved by all her country, and with her death, taking an era with her.

It is essentially an intimate picture of an individual, about whom moves a changing world, but who remains to the end a human and admirable person.

Running time, 95 minutes. "G."* CHARLES S. AARONSON

*"G" denotes general audience classification.

W. B. Men Plan Drive

San Francisco, Nov. 17.—Warners' branch managers of the far western district mapped their plans for participation in the new Gradwell L. Sears sales drive at a meeting at the Hotel Empire here today. W. E. Callaway, west coast sales head, presided at the meeting.

Livingston as "Ranger"

Hollywood, Nov. 17.—Bob Livingston was assigned to the title role in Republic's new 15 chapter serial, "The Lone Ranger Returns." He will receive screen credit, although Lee Powell, who played in the first "Lone Ranger" serial, did not.

The Newsreel Parade

The action of national figures in open denunciation of the current Nazi terrorism receive considerable attention in the midweek issues of the newsreels. Football games, ice hockey and the opening of Palm Springs' aquatic season are sports items. The reels and their contents follow:

MOVIETONE NEWS—Condemnation of Nazi terrorism. Ambassador to Germany returns. Kansas City oil blaze. Fashions at auto show. Lew Lehr. Football games. Ice hockey. Diving display.

NEWS OF THE DAY—President condemns Nazi terror. Ambassador called home. National leaders speak. East River tunnel under construction. Amateur day in Texas. Styles at Rainbow Room. Aquatic season opens.

PARAMOUNT NEWS — Dedication of memorial to French General. Czech World War vets give up medals. Stalin reviews air fleet. Beatification of Mother Cabrini. Roosevelt leads protest of Nazi persecutions. Football games. Ice hockey. Aquatic show.

RKO PATHE NEWS—C. I. O. convention in Pittsburgh. T. W. A. acquires Long Beach airport. Dedication of Knute Rockne memorial. Sidewalk superintendents' club formed. Egyptian Royal air force breaks record. Diving exhibition. War Admiral wins race.

"Snoozing" Films

Toledo, Nov. 17.—M. J. Evdemon, restaurant owner here, boasts the world's record for paying more admissions and seeing fewer films than anyone else. Each afternoon at 2 o'clock he buys a ticket at some theatre, seeks a secluded spot and goes promptly to sleep. "Snoozing a picture for two hours puts me in shape f[illegible] another seven-hour stret[illegible] on the job," he explains.

Universal to Open Puerto Rico Office

Universal will open its own distribution office in Puerto Rico, in line with which a general revision of distributing arrangements in the adjacent territory is being made, J. H. Seidelman, foreign manager, said yesterday.

Carlos Matos has been named manager of Universal Pictures Corp. of Puerto Rico, the new distributing company. Universal will also handle its own distribution in the islands of Curacao and Aruba, as of Dec. 31. A two-year distribution agreement for Venezuela has been made with Luis Martinez. These territories formerly were handled for the company by Jaime Puig Arosemena, who, however, continues as the company's agent for Colombia.

Require Theatres to Report Annual Gross

Denver, Oct. 17. — The Hot Springs, N. M., City Council has passed an ordinance making it mandatory on theatres to file an annual statement of gross business, in order to determine whether or not the annual license fee of 25 cents a seat is too high, according to the council. The gross business statement applies to other businesses besides theatres as well.

Bar Ass'n Names Sargoy

Edward A. Sargoy, who for many years has been attorney for the Copyright Protection Bureau, has been appointed chairman of the committee on copyright of the American Bar Association by Thomas E. Robertson, chairman of the Association's section on patent, trade mark and copyright law. Sargoy, who is also secretary of the New York Bar Association's committee on copyright, has been active in legal and legislative copyright work.

Dover Leaves 20th-Fox

Hollywood, Nov. 17. — William Dover, personnel manager with 20th Century-Fox, today resigned his post, giving as his reason his desire to enter the production field. Dover joined Darryl F. Zanuck as executive assistant when the latter was in charge of production at Warners in 1928 and continued with him when 20th Century-Fox was formed in 1933. Prior to that Dover was assistant to Samuel L. Warner.

Ross Federal Awards

Ross Federal will award a week's vacation with expenses paid to the branch manager who shows the greatest initiative and industry during 1938. This prize will be given anually.

U.S.-British Trade Treaty Ignores Quota

(*Continued from page* 1)

was consummated after a year of persistent discussion. Tariff reductions and concessions were granted by America, the United Kingdom and Canada on approximately 1,000 products.

In the Canadian agreement, signed at the same time, the Canadian duty on positive films, which had not been affected by 1936 pact, is reduced from three to two and one-fourth cents per linear foot. Canadian imports of such films in 1937 had a value of $254,000.

Among the tariff concessions granted the United States on goods entering the United Kinkdom is a reduction from 33 1/3 to 25 per cent ad valorem in the duty on amplifiers and loud speakers.

Under the general provisions of the agreement it is stipulated that the principle of non-discriminatory treatment shall be extended to quotas and in the event that importation of any product is restricted as to quantity, and if shares of the restricted imports are allocated, the exporting country will be allotted a share of the total importations permitted from foreign countries based on the proportion supplied by that country in past years.

State Department officials said, however, that the treaty as signed made no provisions for either film duty reduction or relaxation of quotas in British markets other than the binding of margins of preference by the 10 colonies.

Colonies agreeing to preferential margins to American product were British Guiana, with imports of $26,500 in 1936; British Honduras, with imports of $11,288; Bahamas, with imports of $24,293; Ceylon, $72,699; Fiji, $49,977; Gold Coast, $2,505; Jamaica, $1,735; Federated Malay States, $113,829; Northern Rhodesia, $10,464, and Trinidad and Tobago, $63,578.

First Hearing Today In Phila. Trust Suit

PHILADELPHIA, Nov. 17.—First hearing will be held in the U. S. District Court here tomorrow in the suit brought by Herbert J. Elliott, of the Fernrock Theatre, against 12 producers and distributors in a clearance dispute involving his theatre and competing circuits. Elliott seeks an order requiring producers to divest themselves of stock ownership of distributing companies and permit independents to compete on an equal basis with circuits.

The 50-page complaint invokes the Patman-Robinson law against chain stores in addition to charging violation of the Sherman and Clayton anti-trust laws, and is believed to be the first litigation in local courts which involves all three acts in this type of action. Although 12 defendants are named, the request for a speedy determination is based on a clearance question of "That Certain Age" and two Warner films booked into a territory in which Elliott claims his theatre has precedence over the W. B. Lane.

Refugee Benefits

Three special performances will be given on Sunday with all the proceeds going to German refugee relief organizations. A special showing of the film, "The Story of a Cheat" at the Fifth Ave. Playhouse, "Abe Lincoln in Illinois" and "Knickerbocker Holiday," plays make up the list.

Relief funds of the United Palestine Appeal benefited by $100,000 from the "Night of Stars" show at Madison Square Garden Wednesday night. More than 20,000 packed the huge auditorium, paying from $1 to $15 per seat.

Proceeds will be used for the settlement in Palestine of Jews of Germany, Czechoslovakia and other countries. Louis K. Sidney handled the show with Ben A. Boyar as associate.

UA Board to Hear Profit-Share Plan; Selznick's Deal Up

(*Continued from page* 1)

until early next week for business conferences before returning to the coast. There is a possibility that a new distribution deal with Selznick may be up for discussion at the United Artists board meeting scheduled for this afternoon. The board meeting will be followed immediately by the annual meeting of United Artists stockholders.

Adjourn Kindler Hearing

Hearing on a motion to punish Abraham Kindler, as president of Empire State M. P. Operators' Union, for contempt of court for violation of a preliminary injunction was adjourned by Bronx Supreme Court Justice Alfred Frankenthaler yesterday. The motion was made by Joseph Kimmel, former operator at the Marblehill, who contends that his discharge violated an injunction granted by Supreme Court Justice Aaron J. Levy.

Schwartz Examiner In City Tax Action

Arthur Schwartz of the law firm of Schwartz & Frohlich has been assigned to conduct the examination of industry witnesses in connection with the city comptroller's attempt to assess distributors more than $100,000 in penalties and interest for failure to pay the two per cent city sales tax from March, 1935, to June, 1937. The distributors contend that they acted in good faith in not paying the tax, relying upon legal opinion that a sales tax would not apply to films, which are leased and not sold.

A hearing on the assessments scheduled for yesterday was postponed to next week.

Col. Sales Meet in N. O. Over Weekend

Second of a series of Columbia divisional sales meetings will be held in New Orleans tomorrow and Sunday at the Roosevelt Hotel. A. Montague, general sales manager; Rube Jackter, assistant sales manager, and Max Weisfeldt, short subject sales manager, left New York yesterday to attend the meeting.

New Orleans, Atlanta, Dallas, Charlotte, Memphis and Oklahoma City branches will be represented at the meeting. Sam Moscow, southern division manager, will preside. First of the regional meetings was held in Chicago two weeks ago.

Wall Is Appointed Assistant to Ross

Edward J. Wall, formerly for 15 years with Paramount, has been appointed executive assistant to Harry A. Ross, president of Ross Federal Service.

Ross said the position was created because of the steady increase in administrative duties attending the growth of the business.

A graduate of Northeastern University, Wall began his career as a reporter on the Boston *Herald-Traveler.* He became assistant to Frank A. Vanderlip, National City Bank president, and joined Paramount in 1923, his work including a survey of the company's theatre properties and other situations here and abroad.

Newsreels Watch 16mm. as Possible Source for Films

(*Continued from page* 1)

ducer and are concerned about his competition.

Improvement in the 16mm. projector has brought about a sharp jump in the number of portable circuits in the south, southwest, midwest and far west, serving areas that are not well supplied with theatres. Canada is considerably agitated over this development. N. L. Nathanson is interested in the field and one of his organizations is serving 16mm. films and equipment.

Exhibitors have become more cognizant of this competition and demand that the distributors do something about it, as at the M.P.T.O.A. convention in Oklahoma City, where it was charged that the major distributors permit itinerants to show their pictures on 16mm. stock too soon after national release. It is claimed that in small towns the exhibitors sometimes get their pictures after they are shown in halls by the itinerants.

Distributors, however, aver that they do not as a rule permit their films to be reduced to 16mm. until a year or so after national release and that as far as possible exhibitions by non-theatrical exhibitors are controlled in order to prevent competition to theatres.

British Labor Probe Report Believed Dead

(*Continued from page* 1)

satisfaction with the progress of film labor negotiations and the completion of a number of agreements already. If the situation continues so, it was indicated, there will be no attempt to hamper the progress by the issuance of the labor report.

Significance was attached to the fact that no date has been set for a joint meeting of representatives of the Government, C. E. A. and the National Association of Kine and Theatrical Employes. The two latter organizations have agreed on the formation of a national wages board to which local labor agreements may be submitted, and a national agreement is seen as possible in the future.

Negotiations are continuing toward an agreement between studios and production employes on a wage-hour schedule for studios.

Monopoly Group to Discuss Plans for December Hearings

WASHINGTON, Nov. 17.—Members of the Administration monopoly investigating committee will meet tomorrow afternoon to discuss plans for public hearings which are to open early in December.

The conference will be confined to a consideration of the program, since, it was said by officials of the committee, none of the several reports on which Governmental agencies are working has yet been completed. Among the reports now being written are summaries on surveys of the patent situation and the influence of trade associations on industrial policies.

Hearings are expected to open about Dec. 5. First sessions will be devoted to a discussion of the anti-trust situation's broad aspects by officials of the Justice Department and other agencies involved. First definite probes are expected to be in the patent situation and glass industry.

Metro Prize Winners In from Trip Abroad

Nine members of M-G-M's domestic sales staff returned yesterday on the *Queen Mary* after a months' jaunt given them as prizes in an international billings contest. They spent most of the time in Paris and London.

They are Charles E. Kessnich, Atlanta district manager; John J. Maloney, Pittsburgh district head, and the following branch managers: Burtus Bishop, Jr., Charlotte; William B. Zoellner, Oklahoma City; Walter E. Banford, St. Louis; I. Frank Willingham, Memphis; Maurice Saffle, Salt Lake City; William H. Workman, Minneapolis, and Leroy A. Bickel, Dallas. All have left for their offices.

6,000,000 Weekly

London, Nov. 17.—An audience of approximately 6,000,000 visit theatres each week in the London area, states the annual report of the London Passenger Transport Board, traffic trust covering the Metropolitan area.

The report also estimates that there are 41 houses with 44,000 seats in the West End alone.

Loew's Publicity Men Transferred

Realignment of Loew's circuit publicity staff in the metropolitan area has been completed by Oscar A. Doob. Sam Coolick, formerly in Queens, has been placed in charge of East Bronx, assisted by S. Leonard Mayer. Carl Fishman has been shifted from East Bronx to West Bronx; George Scharf from East Bronx to midtown Manhattan; Ray Jacobson from Brooklyn to assist Pete McCarty in Queens; Teddy Arnow to Westchester; Bill Slifka from the home office to Brooklyn field work; Morty Tauber to work with Gene Murphy, newspaper contact. Joel Levy, Jr., has resigned.

The shifts result from the switch of Lou Brown from West Bronx to Loew-Poli theatres in New Haven, succeeding Erle Wright, recently resigned.

Mexico Now Has 370 Theatres Operating

Mexico City, Nov. 17.—Mexico has 370 film houses in regular operation, of the 863 in the country, according to a survey by the Federal Government. The distribution of the active houses is mostly in the Federal District, which includes this city, Yucatan and Vera Cruz states. But Colima state and Lower California Territory have but one active theatre each.

Liner Harmanus Manager

Albany, Nov. 17.—Irving L. Liner, former Adams Brothers Theatres executive and manager of Fabian's two Port Jervis houses since early last summer, is the new head of Harmanus Bleecker Hall here. Liner succeeds James A. Carrier, who, as managing director of the Consolidated Advertising Agency, is opening a new branch here.

Charles Moning Dies

Plymouth, Mass., Nov. 17.—Charles Moning, 69, one of New England's pioneer exhibitors, was found dead in his office yesterday. His throat was slashed with a razor and police attributed his death to suicide. The funeral is expected to take place tomorrow.

M. H. Has Color Stills

Direct color photographs of scenes from Music Hall stage shows are being made for use as lobby displays for the theatre. The pictures, made by Jimmy Sileo, are believed to be the first of their kind to be made for this purpose.

Hollywood Preview

"The Law West of Tombstone"

(RKO)

Hollywood, Nov. 17.—Producer Cliff Reid decided not to follow the standard pattern for outdoor action pictures in "The Law West of Tombstone" and as a result there is much novelty in the film. The change not only makes for better entertainment, but provides showmen with new ideas to use in exploitation campaigns.

Based on a story by Clarence Young, who collaborated with John Twist on the screenplay, it is a different tale of the west of 60 years or more ago. The plot, with Harry Carey in the chief role, is built around a swaggering westerner of the old school, who is boisterous and arrogant, resourceful, yet kindly and well meaning. With him as the central figure, the picture tells a story of romance and revenge. While a young desperado is swung around to a better life through the influence of a girl, the old gun-fighter also finds his way to a safer and more enjoyable way of living. True to all western legends, however, the picture culminates with an exciting gun battle that ends a long existing feud and brings about the extermination of an outlaw gang.

Harry Carey gives one of the most pleasing performances of his career and the featured support, Jean Rouveral and Tim Holt, work in a manner that leaves little to be desired. Quality sustaining performances are contributed by Evelyn Brent, Clarence Kolb, Paul Guilfoyle, Allan Lane, Esther Muir, Bradley Page and George Irving.

Accentuating the novelty and difference in story content and production detail, Glenn Tyron's direction gives the film a naturalness that makes everything seem credible.

Running time, 75 minutes. "G."* G. McC.

"Mr. Moto Takes a Vacation"

(20th-Century-Fox)

Hollywood, Nov. 17.—Preview fans in attendance at the Los Angeles Uptown on the occasion of this screening were telling each other in the lobby afterward, while trying to get a closer look at Peter Lorre, that this was one of Mr. Moto's best. The theatre is a typical Moto house and your reporter takes their word for it. The film is fast, full of mystery, and winds up in a terrific man-to-man battle between Lorre and Joseph Schildkraut which looks impressively genuine.

The screenplay by Philip MacDonald and Norman Foster, who also directed the picture, is about the crown of the Queen of Sheba and an extraordinary series of attempts to steal it from a museum in 'Frisco. Everybody, almost, is suspected of being the famous criminal believed to be behind these attempts, but Mr. Moto finally finds out that a kindly old gentleman who financed the expedition that dug up the crown is really the culprit. He captures him in the above-mentioned battle.

There is considerable comedy in the picture, supplied chiefly by George P. Huntley as a British gentleman with Scotland Yard connections. Virginia Field and John King conduct a mild romance in the background.

Running time, 65 minutes. "G."* Roscoe Williams

"Secrets of a Nurse"

(Universal)

Hollywood, Nov. 17.—Just about all of the common denominators of metropolitan melodrama are present in this sketchily knit story which asks observers to believe that a nurse (played by Helen Mack) has power to bring one patient back from the edge of death and make another confess to a murder after he has ceased to live. Three murders and an electrocution, a doped prize fighter and a court room sequence are other materials used. The story, by Quentin Reynolds, and the screenplay by Tom Lennon and Lester Cole, put quite a strain on audience credulity. The preview crowd wasn't equal to it.

Helen Mack's performance of the nurse with the occult bedside manner is a little too calm to be convincing. Edmund Lowe does as well with the lawyer assignment as the lines given him permit. Dick Foran is satisfactory as the stupid but honest fighter. Leon Ames, Paul Hurst, Clarence House, George Chandler and Clarence Muse do their chores adequately. Horace MacMahon makes a fantastic gangster seem genuine and Samuel S. Hinds gives his usual able performance of the judge in spite of unusual dialogue handicaps.

The film is for the less exacting advocates of melodrama at any price. Burt Kelly is down as associate producer and Arthur Lubin directed.

Running time, 69 minutes. "G."* Roscoe Williams

"G" denotes general audience classification.

Bingo Regulation

Cincinnati, Nov. 17.—Following the ban on Bingo by City Manager C. O. Sherill, Councilman Nicholas Klein has introduced a resolution in City Council to regulate the game according to the number of plays in any one evening, and the price of admission, when proceeds are for social, religious or educational purposes, "without t[illegible] element of personal gain or profit."

"Bingo fans pay 50 cents to $1.35 an evening for entertainment, while theatre patrons pay 40 cents to $3," the resolution pointed out. The significance of the comparison was not made clear.

Webb Band Boosts Buffalo "Darling"

Buffalo, Nov. 17.—Chick Webb and his boys put enough starch into the local premiere of "Listen, Darling" to make that picture a standout The bill took $18,400 at the Buffalo.

"Youth Takes a Fling" paired with "The Missing Guest" for $8,000 at the Lafayette. The weather was unseasonably warm.

Estimated takings for the week ending Nov. 12:

"Listen, Darling" (M-G-M)
BUFFALO—(3,000) (30c-55c), 7 days. On stage: Chick Webb's Orchestra. Gross: $18,400. (Average, $12,000)
"Men With Wings" (Para.)
GREAT LAKES—(3,000) (30c-50c) 5 days, 2nd week. Gross: $4,900. (Average, $7,500)
"The Mad Miss Manton" (RKO)
"Meet the Girls" (20th-Fox)
HIPPODROME—(2,500) (25c-40c), 7 days. Gross: $6.700. (Average, $6,800)
"Illegal Traffic" (Para.)
"Sons of the Legion" (Para.)
CENTURY—(3,000) (25c), 7 days. Gross: $5,400. (Average, $6,000)
"Youth Takes a Fling" (Univ.)
"Sons of the Legion" (Univ.)
LAFAYETTE—(3,300) (25c), 7 days. Gross: $8,000. (Average, $6,300)

Lewis Leases Thalia

Thalia Theatre, 95th St. off Broadway, has been leased for 10 years by Martin J. Lewis of the Fifth Ave. Playhouse. The house was reopened late last week with a policy of foreign films, at an admission top of 40 cents. Lease was from the Skouras Circuit, which owns the property through a deal with the Springer estate. The house was closed four months.

K. C. House to Donnici

Kansas City, Nov. 17.—Dominick Donnici, who has operated the Palace, downtown subsequent here, for 24 years, has taken over the World-in-Motion, also a downtown subsequent, and will remodel it for operation by his two sons, Richard and Louis Donnici. E. H. Roraback has been operating the World-in-Motion.

Intervenes in Col. Suit

Benedetto La Prester was granted permission to intervene in the stockholder's suit brought by Betty Davis against Columbia Pictures Corp. by N. Y. Supreme Court Justice Isidor Wasservogel yesterday. The action alleges that excessive salaries were granted and that voting trust certificates were wrongfully issued.

announcing the fifth issue of

FAME

The Audit of Personalities

Now in preparation by the world-wide staff of Quigley Publications—edited by Terry Ramsaye

NEW YORK • CHICAGO • LONDON • HOLLYWOOD

▸ Radio Personals ◂

LUD GLUSKIN'S orchestra, now on the Al Jolson show, may get the musical assignment on the Jesse Lasky show for Wrigley's, which starts in January. . . . Alexander Woollcott has been booked for "Information Please" Dec. 6. . . . Frank Rand, publicity director for WBBM, CBS station in Chicago, is visiting network headquarters in New York. . . . Russ Morgan, the Philip Morris show headliner, ends his run at the Paradise Dec. 5. . . . Eugene Conoley, now getting two singing periods a week on NBC, will get two additional spots starting next week. . . . Amanda Shaw will be given buildup by NBC starting Nov. 20, when she starts a new series of her own, supported by the Kidoodlers and Jerry Sears' orchestra. . . . John Boles will make a guest appearance on Benny Goodman's show Nov. 22.

Deny Report of New Series for Sealtest

Reports of a new musical program for Sealtest Laboratories were scotched yesterday at McKee & Albright, agency handling the account, where it was said no such plan has been considered. The Sealtest Laboratories have found their present network script show, "Your Family and Mine," to be a successful merchandiser, and the show will be continued on the air.

Sealtest last summer sponsored an elaborate musical show on NBC, but the program was a failure. N. W. Ayer & Son then handled the account and the program. Subsequently Young & Rubicam took over the account and series, and then McKee & Albright took over.

New N.A.B. Review Out

WASHINGTON, Nov. 17. — Second edition of the N.A.B. *News Review* has been released to member stations throughout the country. *Review* devotes most of its contents to a treatment of recent developments in the field of radio censorship. A collection of editorial opinions gathered during the recent Orson Welles excitement also has been given considerable space.

Schaeffer Xmas Program

Schaeffer Pen Co. will present a special Christmas season show on Mutual for three broadcasts, beginning Nov. 28. The program will feature the orchestra of Harold Stokes. Stations lined up for the series include WOR, New York; WGN, Chicago; CKLW, Detroit, and WAAB, Boston. Russell M. Seeds Co. is the agency.

"Confession" on Lux

Lux Radio Theatre on Nov. 29 will present Miriam Hopkins, Claude Rains, Richard Greene and Anne Shirley in a dramatization of the picture "Confession."

WOR Transfers Nell

John P. Nell, formerly of WOR's sales promotion department, has been appointed New York representative for the station's Chicago office.

Good Excuse

Cincinnati, Nov. 17.—"The show must go on" is the oldest show tradition, but to it Carl Pharis says, "Oh, yeah?"

Pharis, announcer on a WCKY program, failed to show up in the studio at program time and so another announcer was hurriedly recruited. Pharis gave the alibi the next day: A half-hour before broadcast time, he became the father of a girl. He didn't remember the program thereafter until the following day.

NBC to Ask End of Two Damage Actions

Application will be made today in the U. S. District Court by National Broadcasting Co., Inc. and Cecil, Warwick & Legler, Inc., for permission to discontinue without costs two suits which seek an injunction and a total of $78,891 as damages against Charles Henry Freeman, Jr. Both suits charge the defendant with unlawfully asserting rights to, and interfering with the program "Metropolitan Auditions of the Air" broadcast over the NBC network and sponsored by Sherwin-Williams Co.

Jack Roche Joins NBC

Jack Roche, formerly of CBS and more recently a free lance in radio production, has joined NBC to turn out institutional publicity.

FCC Calendar

WASHINGTON, Nov. 17.—Hearings on a number of broadcasting applications were ordered by the Federal Communications Commission today, including the new-station applications of the St. Lawrence Broadcasting Corp. for a 1,310-kilocycle station at Ogdensburg, N. Y., with 100 watts night, 250 watts day; A. E. Austin for an 1,160-kilocycle station at Santa Monica, Cal., with 100 watts night, 250 watts day, and Bowling Green Broadcasting Co. for a 1,310-kilocycle station at Bowling Green, Ky., with 100 watts night, 250 watts day.

Other applications to be subject of hearings included those of WKOK, Sunbury, Pa., for extension of time from sharing to unlimited; WMIN, St. Paul, for increase of night power from 100 to 250 watts; KCMC, Texarkana, Tex., for change of frequency from 1,420 to 1,340 kilocycles and increase of power from 100 watts night, 250 watts day, to 500 watts night, 1,000 watts day; KTAT, Fort Worth, for change of location from Fort Worth to Wichita, and increase of day power from 1,000 to 5,000 watts; WLAC, Nashville, for increase of power from 5,000 to 50,000 watts; and WALA, Momile, Ala., for increase of night power from 500 to 1,000 watts.

The commission has received a report from Examiner Melvin H. Dalberg, who was dismissed last week as part of Chairman McNinch's "purge," recommending denial of the application of Peter J. Caldarone for a new 1,270-kilocycle, 250-watt daytime station at Providence.

NBC's Talent Sales in 1938 $15,000,000

(*Continued from page* 1)

$1,628,000 covers salaries and departmental overhead, commercial program talent, including orchestras, $2,223,000 and $1,375,000 for sustaining talent.

The F.C.C. Monopoly Committee was told by Royal that more than $100,000,000 is spent annually by advertisers and sponsors of sustaining programs.

Answering questions by Chairman Frank R. McNinch as to the range of costs for commercial program talent, Royal said some of the most pretentious shows on the air may spend from $20,000 to $30,000 a show, while others may be staged for as little as $500 or $1,000.

Royal explained the setup of the program department in detail, tracing various activities, one of most important of which is preparing for events to come. Non-partisan broadcasting is possible, he commented.

NBC Wants Criticism

NBC would welcome more criticisms from radio audiences, Royal told the committee, explaining that because the mail ran about the same each year, no statistics have been kept since 1935, when out of 4,223,139 letters received, 3,257,689 were on sponsored programs, 515,296 to sustaining artists personally and 450,154 to the company, of which only 6,467 were adversely critical. Criticisms are preferable to indifference, he said. Of letters to the company, 131,920 were missives of appreciation, 9,996 had constructive comment and the remainder were requests for free offers, information or tickets to shows or in response to contests.

Improvements Sought

Royal was questioned at length regarding various types of programs, and testified that NBC is trying to clean up the situation with respect to children's features, has strict rules against ad libbing and has been unable to do much about prize contests because they are popular, more than 6,000,000 responses being received in one week in one contest.

At the close of the day the hearings were adjourned until next Tuesday.

Option Quaker Oats Cast

Entire cast of the Quaker Oats show, including Tommy Riggs and Larry Clinton's orchestra, have been placed under further option by the sponsor. Additionally, the program time has been extended for an additional 13 weeks beyond the first 13 broadcasts. The program is broadcast Saturdays, at 8 P. M. over the NBC-Red. Lord & Thomas is the agency.

Operettas Back on NBC

Gilbert and Sullivan operettas will return to NBC over the Blue network starting Nov. 22 and Tuesdays thereafter from 8 to 8:30 P. M. Harold Sanford will direct, and the cast will include Muriel Wilson and Fred Hufsmith.

Banner LINES

THE history of the large meleagridoid bird, which is related to the pheasants, having hind toes elevated, tursi spurred, head naked and tail extensible upward and sideward," reads a CBS release, "will be the subject of the 'Americans at Work' broadcast Nov. 24."

Could CBS, by any chance, mean that turkeys will be the subject of discussion on the broadcast?

▼

A recent episode on "Grand Central Sketches" dealt unflatteringly with fortune tellers and crystal gazers. A letter berating the exposure has just been received from a New York fortune teller, who offered $50 to anyone who could prove him a fake. The letter was addressed to NBC. "Grand Central Sketches" are broadcast over CBS.

▼

Proving once again you can buy anything in a modern drugstore but one of those dizzy hats the females are now affecting, Eddie Cantor and Leslie Howard the afternoon of the comedian's last broadcast raced in and out of Broadway bookstores for a copy of Hamlet (Howard was going to broadcast the Soliloquy), but couldn't locate one. Finally they tried a drugstore, and walked out with the volume.

▼

Bob Benchley's radio series starts this Sunday, and today his sponsors will tender a party to the radio press in a CBS studio. Guess what for? To listen to a preview of his opening program? Not at all. To see a screening of one of his film shorts.

—JACK BANNER

Packers Consider Series

National Association of Meat Packers is understood to be considering the sponsorship of a new series by Ed Gardner and George McCall, titled "Cafe Society." The show has been whipped into shape for auditioning for the meat association. Gardner is a producer on the M-G-M radio program.

This year send
Merry Xmas from

Talking Xmas Cards

Let these tiny Presto phonograph records—recordings of your own voice or music— carry intimate, unique Christmas greetings to your friends and relatives.

Discover how simple it is to make Talking Christmas Cards. Mail this ad with ten cents. We will send you a blank record, a mailing envelope and the name of your nearest recording studio where they will make sample record for you **without charge.**

PRESTO RECORDING CORP. 139 W. 19TH ST NEW YORK, N. Y.

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 44. NO. 100 NEW YORK, MONDAY, NOVEMBER 21, 1938 TEN CENTS

Chaplin Plans Again to Enter UA Production

UA 1939-40 Program Will Have Fairbanks Also

United Artists' largest release schedule in recent years is indicated for next season with definite commitments from Charles Chaplin and Douglas Fairbanks, in addition to the product from the company's present producers.

Chaplin will make one picture and Fairbanks two or three, the exact number from the latter not having been determined yet. These additional picture commitments were discussed at the meeting of the company's board of directors, Friday, at which the distribution deal between United Artists and Fairbanks's Albion Films was approved. The directors' meeting was adjourned to Nov. 30, due to the ab-

(*Continued on page 5*)

Wobber Goes West For Zanuck Talks

Sales policy for 1939-'40 will be discussed by Herman Wobber, general sales manager, and division and district heads at meetings at the 20th Century-Fox studio during the week of Dec. 11. Conferences will be held with Darryl F. Zanuck, Joseph M. Schenck and other studio officials. Production plans for 1939 will also be outlined.

This meeting will come upon the conclusion of the S. R. Kent Drive, which is in its last stretch.

James P. O'Loghlin, drive leader, today starts his last week of exchange meetings. William Sussman, eastern division manager, met him and William Clark in Washington on Saturday. They will arrive here Wednesday and wind up branch meetings here Friday. Sussman's division is leading in 1938-'39 sales.

Committee Busy on Schine Bros. Dinner

Albany, Nov. 20.—Committee arranging the testimonial dinner in commemoration of the quarter century in the picture industry by Louis M. Schine and J. Meyer Schine met over the weekend to perfect plans. The dinner will be held at the Ten Eyck Dec. 19.

Philip Fox of Columbia has been named chairman with the following

(*Continued on page 5*)

Mexico Bans Il Duce

Mexico City, Nov. 20.—Mussolini pictured as playing golf drove Mexico censors to their scissors. A whole sequence showing Il Duce on the links was shorn from a newsreel because the censors considered the Fascist chieftain shown indulging such a non-proletarian diversion would hardly do for revolutionary Mexico.

Companies to Inform US on Theatre Deals

Film companies have agreed not to acquire or sell theatres without the knowledge of the Government. They have agreed to submit day to day reports on theatre deals to the Department of Justice. The Government thus will be in the position to indicate its disapproval of any projected transactions on theatres by the major companies, under terms of a compromise which has been reached between the defendants in the present anti-trust suit in New York and the Department of Justice.

This compromise was reached last week and disposes of the Govern-

(*Continued on page 4*)

TRADE REFORMS TO BE ON WIDE SCALE

Foresee Early Settlement of RKO Problem

Present events which are transpiring in RKO's reorganization situation would indicate that settlement of existing controversies among creditors would be had shortly. In this event, providing Federal Judge William Bondy is not too occupied with other matters so that he can proceed speedily in the situation, RKO's reorganization plan ought to stand a good chance of confirmation when the matter next comes up for hearing Nov. 22,

(*Continued on page 5*)

U.A. Circuit's Net For Year $148,743

Net income of $148,743.37 for the year ended Aug. 31 was shown by United Artists Theatre Circuit, Inc. This compares with a net of $364,973 for the previous fiscal year. The company attributes the decline to the

(*Continued on page 5*)

Block Booking Strain to Be Eased; "Permanent" Franchise Outlawed

Tremendous reforms in trade practices in the industry are contemplated in the negotiations which are now being held by exhibitors and distributors. The strain of block booking will be eased, the right to buy may be achieved and a system of arbitration or conciliation will be established, additionally to possible changes in the rules of clearance, the elimination of score charges and forcing of shorts.

Final definition of policy is still to be awaited, of course. The exact form of these definitions cannot therefore be detailed at this time. Nobody knows what the final form may be.

The small exhibitor will benefit most from the changes which will result. Final conferences with M. P. T. O. A. will be held Dec. 8 and 9,

(*Continued on page 4*)

Two British Films on B'way, Third Coming

British-made films are enjoying unusual first run representation on Broadway, at this time, with two London pictures on display simultaneously and a third soon coming. Presently, here, are the "Citadel," at the Capitol, on its third and last week, a Metro film; and at the Radio City Music Hall, there is "Sixty Glorious Years," a Herbert Wilcox film, on RKO release. On Dec. 1, "Pygmalion," another British-made picture, released by Metro, will start a continuous run policy at the Astor.

Canadian Stations to Fight High Royalty Fees for 1939

Toronto, Nov. 20.—Canadian Association of Broadcasters and the Canadian Broadcasting Corp. are entering vigorous protest with the Copyright Appeal Board against the schedule of royalty fees on musical works which the Canadian Performing Rights Society, Ltd., proposes to collect from broadcasting stations during 1939. The 1939 total is $190,978, which compares with $83,081 collected during 1938, an increase of approximately 125 per cent. The amount was paid by 78 stations, including the CBC chain.

Additional developments in radio on page 9.

The amount for 1939 is based on the 1,104,207 privately owned receiving sets licensed by the Department of Transport last March 31 at the rate of 14 cents per set, and also on the 3,639 commercial receiving sets for which a flat fee of $10 is to be charged for the year.

Theatre circuits and independent exhibitor organizations are not entering any protest, according to present word, against the proposed 1939 scale because the society has not made a change in the annual license fee for performing rights against the theatres. At the same time, however, the Independent Theatres Association of Ontario, of which Harry Firestone of Toronto is president, has supported a resolution calling upon the Motion Picture Distributors' Association of Canada and the film distributors to abolish the score charge on films, claiming that all royalty on musical compositions is paid by the film producers and should be included in production cost, and also that the score charge is a duplication of the annual license fee paid to the Performing Rights Society.

Show Business Is Aiding Persecuted

Show business, responding to the world cry against Nazi brutality, is pledging aid to those persecuted abroad. In this, show business pursues its traditional course of helping those in need, regardless of race or creed.

In the U. S. and Canada, showmen are setting aside box-office proceeds to the cause of German refugees. It is a strong answer to Nazi persecution.

Already the Interstate Circuit (Karl Hoblitzelle—Bob O'Donnell—John Moroney) are doing this, and in Canada, Famous Players - Canadian (N. L. Nathanson).

◂ Purely Personal ▸

EMILY HOLT, president of the American Federation of Radio Artists, and EVELYN MARSTON, eastern director of the Screen Actors' Guild, have returned to the city after attending the A.F.R.A. convention in St. Louis last week.

●

GEORGE SANDERS, British player, arrives in Hollywood from New York today to start work in 10 days in "The Saint Strikes Back" at RKO. He will play the part of the "Saint."

●

FRANK R. DEAKINS, vice-president of RCA Manufacturing Co., sailed Friday for England on the *Queen Mary*. Away a month, he will visit English studios.

●

AMANDA VARELA, Argentine star, signed for "Papa Saltero," Spanish film for Paramount release to be made by DARIO FARELLA, with TITO GUIZAR starred.

●

ARTHUR BYRON, president of Actors' Equity, left the Manhattan Eye and Ear Hospital on Saturday after being confined there for two weeks.

●

JUNE PREISSER, musical comedy actress, who recently played in "You Never Know" on the Broadway stage, has been signed by M-G-M.

●

SOLOMON SAGALL, head of Scophony, and ARTHUR LEVEY, Monogram representative in London, plan to sail Saturday on the *Normandie*.

●

FRANCIS S. HARMON, eastern director of the Production Code Administration, left Saturday for a three-week stay in Hollywood.

●

RUTH MORRIS of the William Morris office placed "Masters of the Drama," by JOHN GASSNER, with Random House.

●

GEORGE W. WEEKS, Monogram sales head, returned over the weekend from a trip to Columbus and Chicago.

●

TOM BURNEY of Pathe News was married Saturday to ANNE ZIMMERMAN at Windber, Pa.

●

STAN LEE of Major Edward Bowes' Tyro Productions flies to Pittsburgh today via TWA.

●

HARRY A. ROSS, president of Ross Federal, has arrived on the coast from the southeast.

●

AL SHERMAN has taken up gentleman farming for the winter at Montclair, N. J.

●

LEW LEHR left Friday for Washington, planning to return on Wednesday.

●

ED HATRICK, head of Hearst film interests, has returned from the coast.

●

RALPH POUCHER of Consolidated Film is due today from the coast.

●

HENRY OSCAR, actor, is en route to England on the *Queen Mary*.

●

B. S. MOSS has called off his contemplated trip to France.

Insiders' Outlook

WARNERS have marshaled all their power behind "Angels With Dirty Faces," it seems. The company has undertaken an unusual sales plan to blanket showings of the film around the country, starting off on Thanksgiving Day, with an effort to run the picture in over 200 centers. At that rate the picture should turn in a gross of upwards of $500,000, on its first week to Warners. At the company's offices they are even more optimistic about potential results.

According to Gradwell L. Sears, general sales manager, this action by Warners rivals in sales power and extent of distribution, that done by Paramount, 18 years ago, on "Peter Pan."

To the Warnerites it is equal to the drives put on by Warners in the early talker days, when the demand for the new product was so great, Warners fairly pasted their films around the country.

This sales drive by Sears is in the vanguard of a national publicity campaign in newspapers, magazines and radio, helped by an increased advertising budget. The idea back of the campaign, home office experts aver, is to effect a simultaneous break nationally, around the country.

▼ ▼

Herman Wobber, 20th Century-Fox general sales manager, in a Thanksgiving message in the *Dynamo*, company house organ, expresses his thanks and those of the company for various factors that have contributed to the company's impressive position. "As an organization," he says, "we are healthier than we have ever been."

Striking a note keyed to what is happening abroad, Wobber declares: "Consider the plight of our associates in certain other lands where war still rages, where political strife is imposing restrictions to an extent where distribution is maintained under the most trying circumstances.

"And as we give thanks for our good fortune, for our prospects for continued and greater success, it is only fitting that we take cognizance of those associates laboring loyally and indefatigably notwithstanding discouraging and heart-tearing conditions not of their doing."

▼ ▼

After 12 years as chief assistant to the advertising managers at Universal, Rainetta Marshall waved a fond farewell to office duties on Friday. Her many friends and associates thronged her office all day for the final adieus. She departed, loaded with gifts, to devote herself to domestic duties at her home in Yonkers. The "domestic" name is Mrs. Otto Struve.

▼ ▼

Abram F. Myers' criticism of William F. Rodgers' recent statement that "an agreement in principle" was reached in conference between the Allied and distributors' trade practice committees springs from a lawyer's insistence on precise terminology.

An Allied official who has looked into the situation avers that if Rodgers had said an "understanding" had been reached, instead of using the word "agreement," Myers' legal mind would have been satisfied.

Allied people in New York regard the fuss as a tempest in a teapot.

▼ ▼

Grand National's board of directors may decide on arrangements for British distribution within the week, Earle W. Hammons, president, said over the weekend. Disposition of Franklyn Warner's status also will be made.

Hammons said that the decision could be for either the proposal made by John Maxwell or for establishing its own distribution branches in Britain. The latter course, however, would make it necessary for Grand National to try to make its own quota films in England.

Educational's board of directors meets Wednesday to elect officers.

▼ ▼

League of New York Theatres is conducting a vigorous campaign to make the present legit theatre code work. James F. Reilly, executive secretary of the League, announced recently that a survey of the first month's operation revealed that it was 75 per cent effective. The code fixes a 75 cent maximum advance and requires a 3½ cent payment on each ticket sold for an Enforcement Fund.

Last week, the League inserted advertisements in the dailies which sought to enlist the cooperation of the public. The ad urged patronage of accredited brokers only, and, to induce the public to report violations, offered to repay any overcharge. Major complaints on the present code, Reilly said, involve the inability of brokers to obtain a sufficient number of good seats, "bootlegging" of tickets by box-office employees, and the fact that unaccredited brokers are getting tickets by ordering them through the mails with the assistance of a group of friends.

Philadelphia Suit Hearing Adjourned

PHILADELPHIA, Nov. 20.—A preliminary hearing in the anti-trust suit brought by Herbert J. Elliott, of the Fernrock Theatre, against 12 major producers and distributors, was adjourned on Friday when Elliott obtained a consent release on three films, "Hold That Co-ed," "Straight, Place and Show" and "That Certain A

The suit is based on a clearance question on the booking of the films into a territory in which the plaintiff claims his theatre has precedence over the Warner Lane.

No date for the next hearing has been set but it is expected to be held within a fortnight. Federal Judge Welsh declared that he wished to go into the case with complete thoroughness and demanded that counsel for all sides prepare their case fully for the next hearing. Elliott is expected to request a sweeping injunction against the alleged practices. During Friday's hearing, Elliott's attorney declared that it was impossible to obtain witnesses for the plaintiff because of fear of reprisals, and charged that a representative of one of the defendants, who was not specified, had that day refused to deal with Elliott unless the suit was withdrawn.

Grant Majors Time In Chicago Action

CHICAGO, Nov. 20.—Extension of time until Dec. 15 for the filing of answers by Balaban & Katz Theatres, Paramount and all major companies except Columbia in the criminal contempt charges brought by the Government for alleged violation of a consent decree entered in 1932 was granted by Federal Judge Wilkerson on Friday.

Judge Wilkerson ruled that no further adjournments would be granted but indicated that the trial would not take place before February because of the crowded condition of the docket.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

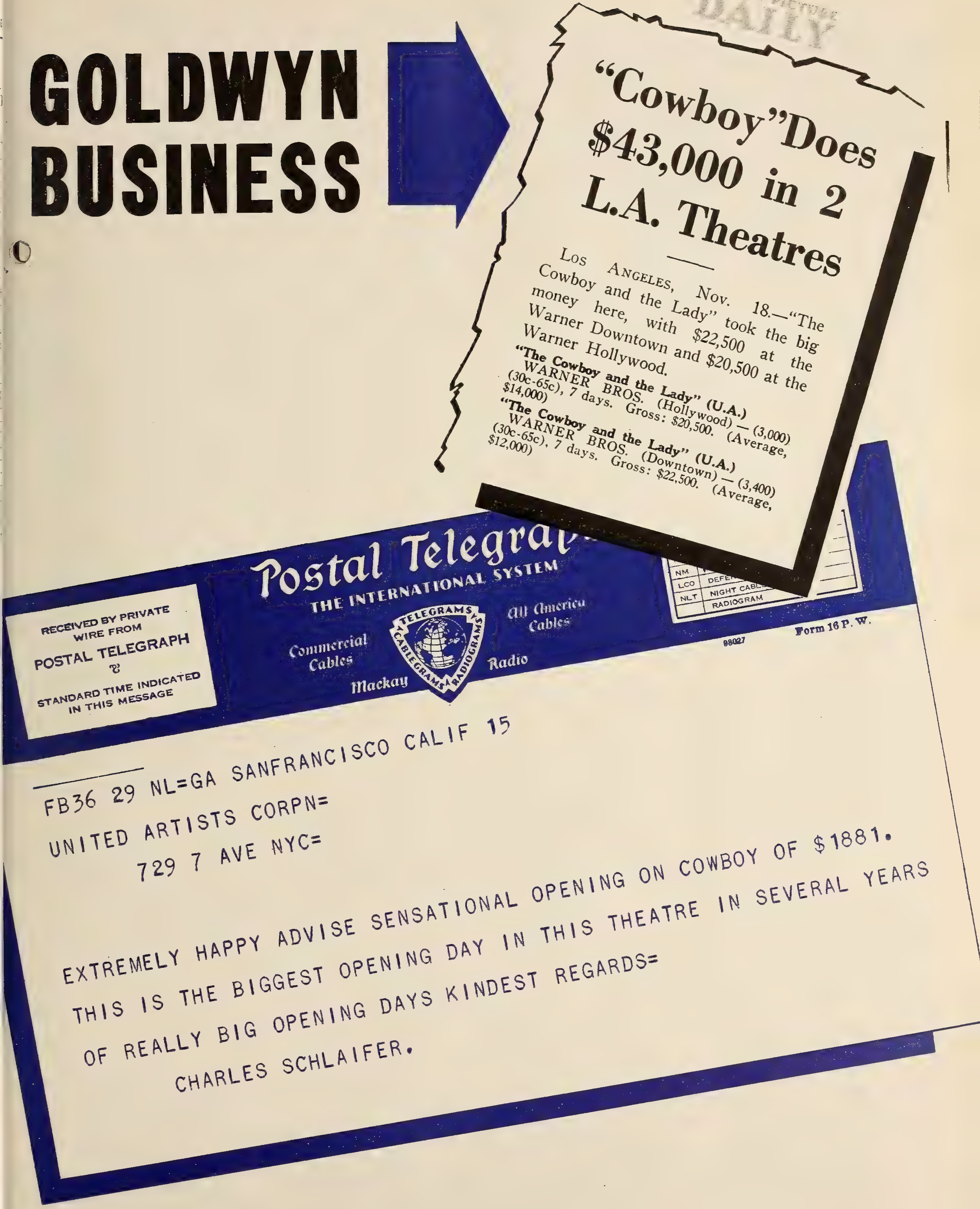
Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

GOLDWYN BUSINESS



"Cowboy" Does $43,000 in 2 L.A. Theatres

Los Angeles, Nov. 18.—"The Cowboy and the Lady" took the big money here, with $22,500 at the Warner Downtown and $20,500 at the Warner Hollywood.

"The Cowboy and the Lady" (U.A.)
WARNER BROS. (Hollywood) — (3,000) (30c-65c), 7 days. Gross: $20,500. (Average, $14,000)

"The Cowboy and the Lady" (U.A.)
WARNER BROS. (Downtown) — (3,400) (30c-65c), 7 days. Gross: $22,500. (Average, $12,000)

RECEIVED BY PRIVATE WIRE FROM
POSTAL TELEGRAPH
STANDARD TIME INDICATED IN THIS MESSAGE

Postal Telegra
THE INTERNATIONAL SYSTEM
Commercial Cables
TELEGRAMS CABLEGRAMS RADIOGRAMS
Mackay
All America Cables
Radio

NM
LCO DEFE
NLT NIGHT CABL
RADIOGRAM

98027
Form 16 P. W.

FB36 29 NL=GA SANFRANCISCO CALIF 15
UNITED ARTISTS CORPN=
729 7 AVE NYC=

EXTREMELY HAPPY ADVISE SENSATIONAL OPENING ON COWBOY OF $1881. THIS IS THE BIGGEST OPENING DAY IN THIS THEATRE IN SEVERAL YEARS OF REALLY BIG OPENING DAYS KINDEST REGARDS=

CHARLES SCHLAIFER.

SAMUEL GOLDWYN presents **GARY COOPER**
and **MERLE OBERON** in **THE COWBOY and the LADY** with PATSY KELLY · WALTER BRENNAN · FUZZY KNIGHT · MABEL TODD · HENRY KOLKER
directed by H. C. POTTER · **RELEASED THRU UNITED ARTISTS**

Trade Parleys Bringing About Vital Changes

(Continued from page 1)

and in those meetings the final plan may take shape, since an accord already has been attained with the Allied organization. No side is to be neglected, so that the independents are getting the fullest possible consideration, too.

But of course whether or not the business's effort to self-regulate its affairs will satisfy the Government cannot be stated.

Remedy on block booking will come from an unrestricted cancellation privilege benefiting principally the small exhibitor, who shall be given the right to cancel as high as 20 per cent of his product at any time, and as he pleases, down to 15 per cent and 10 per cent for other exhibitors. This is a great concession by distributors. It puts them on the doubtful side seasonally in attempting to calculate their potential sales and income, and it makes possible an unrestricted and uncontrolled cancellation of business from their end of millions of dollars.

In connection with the right to buy, there are of course a lot of difficulties, but presumably it will be handled in a manner which will outlaw long term or socalled "permanent" franchise, among other conditions.

Arbitration and clearance are extreme obstacles of the situation, but it seems fairly assured that an arbitration system will be set up. Also that an effort will be made to alter present oppressive clearance and protection situations.

It goes without saying that the genius does not exist who is so knowledgeable and qualified to compose a trade practice policy that will be fully satisfactory to every exhibitor and all the distributors, big and small. So it's a question of give and take for all sides, and discussions are on a triple front, M. P. T. O. A., the Allied and the independents. Nobody expects the fullest agreement on all points proposed by all the factions, and the hope is that each will be sympathetic and considerate of the other fellow's position.

In these negotiations there is no doubt each side has proposed some matters peculiarly applicable to that side alone and none of the other groups, or some matters which other groups might have overlooked. The indications are the majority of such items might have been of a minor kind.

Exhibitors and exhibitor organizations of every business shade, personally or by representation, have participated in the conferences or have been consulted. This includes the affiliated circuits as well as independent circuits.

Much of the criticism which has been leveled upon conditions has been aimed at independent circuits, so that at no time has this been a one-sided struggle.

Even Allied has its schisms, and that which Al Steffes may approve, Abram Myers and Col. H. A. Cole do not favor.

The exhibitor knows no more than the distributor how to solve clearance on a national scale, and just what should be arbitrated and what should not is a major headache. However, the indications are that the negotiations are progressing along lines that would assure a feasible non-aggressive self-regulation policy for the business.

The Government's side is something else. How this self-regulation links up with the Government's present anti-trust campaign, whether or not the self-regulation will appease the Government is for conjecture.

President Roosevelt is known to be friendly to the business, but it seems there are others in the Government service who are openly skeptical about self-regulation in any industry.

18 Mexico Houses Will Reopen Soon

Mexico City, Nov. 20.—Exhibition in Mexico is looking up. Arrangements are being made for the reopening of 18 theatres, long closed, four of them here. They will be run either by the owners directly, under leases or by cooperative societies of film employes. Cooperatism, popular in Mexico, has invaded the country's exhibition. Several houses are being run by cooperatives.

Twelve cinemas are now under construction—four of them here. Plans have been made for building seven local houses.

Pathe Liquidation Plan Is Completed

Liquidation plan of Pathe Film Corp. was completed over the weekend and its formal approval by the Securities and Exchange Commission may be had today or tomorrow.

Under the plan, Robert R. Young and two associates on the Pathe directorate offer $500,000 in a 25-year debentures for the Bound Brook laboratory and its business, the purchase price being equivalent to 90 cents per share on the Pathe common. The purchasers will invest $200,000 in cash to provide working funds for the laboratory. It is proposed to retire the debentures through a sinking fund equal to 20 per cent of the annual profits.

The 7,968 shares of Pathe preferred are to be retired under the plan at $100 per share and accrued dividends with a loan of approximately $1,000,000 from a local bank for which Pathe's 3,500 shares of du Pont Film Mfg. stock, its principal asset, would be pledged as collateral. The du Pont holding is equal to about one share of du Pont for each 171 shares of Pathe common. Holders of the latter will be able to obtain their du Pont equity either by paying their share of the bank loan, amounting to about $250 for each share of du Pont to which they are entitled, or they may leave their du Pont stock on deposit. If du Pont dividends continue at their established level, it is estimated that they would be sufficient to retire the loan in two years, leaving the stock free for distribution.

Pathe common holders also would receive a pro rata distribution of the company's holdings of 66,000 shares of Monogram stock and $240,000 of RKO notes, which together represent only a nominal value.

Approval of the liquidation must be given by 80 per cent of the Pathe stockholders at a special meeting which will be called for about Dec. 12. Holders are entitled to 20 days' notice and the approval to make the plan effective under section 112-B of the Federal revenue act must be had before Dec. 31. Young and his associates are understood to control about 60 per cent of the Pathe common.

Change Eddy Film Title

Hollywood, Nov. 20.—M-G-M has retitled the Nelson Eddy vehicle, "Let Freedom Ring," to "Song of the West."

Evans Urges Producers, Managers Strike If Unions Not Reasonable

Union of Broadway play producers and managers who would act together and strike if theatrical unions presented unreasonable demands was urged by Maurice Evans, actor-manager, at this year's first discussion meeting of Actors' Equity held at the Hotel Astor on Friday. Brock Pemberton, producer, Worthington Miner and Margaret Webster, directors, also recommended drastic action as they told the actors of the producers' troubles.

Miss Webster declared that union conditions made production "prohibitive" and Miner asserted that every union in the field was engaged "in cutting the other unions' throats." They urged Equity to take the lead in the formation of a cooperative council of all unions. Philip Loeb, chairman, promised that any proposal which promised more widespread employment for actors would receive consideration from the Equity council.

Companies to Inform US on Theatre Deals

(Continued from page 1)

ment's demand for a status quo or standstill agreement with the companies, under which terms the Government desired to compel cessation of all theatre transactions, pending otherwise, by the defendants until adjudication of the pending suit. The Government's demand for a standstill agreement was so severe that it was considered completely disturbing to the operation of these firms. It is understood that by this compromise the Government is saved the necessity of attempting to obtain a preliminary injunction against these companies in its suit in order to maintain the status quo of affiliated theatres.

Presumably in situations which may arise where the Department of Justice would disapprove of projected theatre deals, the companies would make an effort to convince the Government otherwise. But if the Government is adamant, presumably it would proceed toward injunction proceedings. The companies involved are Loew's, RKO, 20th Century-Fox, Paramount and Warners. Back of this compromise probably also was the Government's feeling that the chances of obtaining a preliminary injunction might not be altogether good, and might take protracted, costly effort.

Protests Lift Ban On 'Prof. Mamlock'

Chicago, Nov. 20.—Popular resentment against the action of the censorship board in forbidding the exhibition of "Professor Mamlock," compelled Police Commissioner Allman to veto the move and lift the ban. One condition, the elimination of a fight scene, was imposed.

Contempt Suit Takes Doering to Chicago

O. C. Doering, Jr., of RKO trustee's counsel, left for Chicago over the weekend to work on the Federal contempt action there against B. & K. and including RKO and other major distributors. He is due back in a week or 10 days.

Hays West; Met Reels

Will H. Hays left for the coast last night by train and will be away from New York about a month. The M. P. P. D. A. head met with editors of the five newsreels on Friday in what was described as a routine conference for general discussion purposes, such as he customarily holds with the newsreels about three or four times a year.

Dietrich Returns

London, Nov. 20.—En route to New York on the *Normandie* are Marlene Dietrich, Gracie Fields and Cary Grant. On the *Manhattan* are Steve Fitzgibbon, leaving on a 20th Century-Fox assignment, and Robert Henderson.

FILM CENTER BUILDING
Ninth Ave., 44th-45th Sts.
A ★★★★ Building
For the Motion Picture Industry
★ Lowest insurance rates.
★ Projection and inspection rooms.
★ Vaults.
★ Interior shipping platform.
Some buildings have some stars —this building has all stars.
For space apply
270 Madison Avenue New York
CROSS & BROWN COMPANY
REAL ESTATE
Agent
Tel.: CAledonia 5-7000

Chaplin Plans Again to Enter UA Production

(Continued from page 1)

sence from the city of Mary Pickford, who left for Chicago Friday evening. The annual meeting of the company's stockholders, which was to have been [illegible] following the directors' meeting, was postponed to Nov. 30 also.

The company's new season product plans occupied most of the session. The schedule will include a high budget picture starring Merle Oberon to be made in Hollywood by Alexander Korda. The plans of Samuel Goldwyn will be outlined in conferences with James Mulvey, Goldwyn's eastern representative, next week. Mulvey will leave for the coast in a few days, returning in time for the Nov. 30 meeting.

The revised United Artists' profit sharing plan, which is described by Maurice Silverstone, chief executive of the company, as a "reward of merit formula," did not come up for action at the meeting but probably will be approved at the next session as all five United Artists' partners are in agreement on its operation. It will become effective Jan. 1 and will provide for extra participation by partners in the earnings of pictures produced by them. The original plan provided for participations by all five partners in company earnings, regardless of whether or not they themselves produced pictures. Under the new plan a partner who does not contribute to the company's releases will not participate in the extra dividends, and producing partners will participate only in the earnings of their own pictures.

The revised plan is regarded as having brought about the Fairbanks' and Chaplin decision to produce for next season release. Fairbanks plans to remain in New York for the Nov. 30 meeting and may return to Hollywood thereafter to complete his production arrangements. All his pictures will be made on the coast. With Montague Marks, his associate in Albion Films, he may go to London and Switzerland early in December to complete financial arrangements for the new company. Chaplin will produce, direct and star in his planned production, which is scheduled to get under way immediately after the first of the year.

Silverstone said United Artists will give increased attention to the Latin American market as a matter of future policy, and will produce one experimental Spanish language picture in Hollywood soon. He will leave for London early in December to confer on the projected Odeon-Gaumont British-General Theatres merger.

DuArt Bids $65,500 For Int. Cinema Lab

Arthur Gottlieb, head of DuArt Film Laboratories, has entered a bid of $65,500 for the bankrupt International Cinema Laboratories on the coast. This may be the highest bid entered. A hearing on the bids will be held in the Federal district court, Los Angeles, Nov. 23. In the interim the stockholders are considering various proposals.

Committee Busy on Schine Bros. Dinner

(Continued from page 1)

subcommittee heads: Arrangements, Bernard G. Kranze of RKO; treasurer, Clayton Eastman, Paramount; entertainment, M. A. Grassgreen; reception, Ralph Pielow, M-G-M; secretary, Arthur Newmann, Grand National; general committee, Leon Herman, United Artists; A. Gerald Leary, Universal; Eugene Lowe, Monogram; Paul Krumenacker, Warners; Bernard Mills, Republic, and Ben Smith, G. B. Publicity will be handled by Jack Walsh, M-G-M.

Grainger Back Today

James R. Grainger, president of Republic Pictures, arrives today from the south. In Jacksonville he closed a deal with the E. J. Sparks Florida Theatres for the entire output to be shown in 87 situations. Frank Rogers of the circuit, Arthur Bromberg, Atlanta franchise owner; Henry Glover, Tampa manager, and Clair Hilgers, special sales representative, sat in on the discussions.

Another deal closed late last week was with the Comerford circuit of 15 houses in upper New York, by Jack Bellman, eastern district head.

Deny Report "Zaza" Refused Certificate

HOLLYWOOD, Nov. 20.—Published reports that "Zaza," Paramount's upper bracket production, had been refused a Production Code Administration certificate were today vigorously denied as untrue by Luigi Luraschi, of the Paramount studio censorship staff. Luraschi pointed out that films are not submitted to the P.C.A. until studio executives give the picture final approval. Editing and retakes which have been decided on as a result of audience reaction at test previews will require an additional three weeks, and the film will not be ready for submission until that time, he said.

The published reports which were denied by Luraschi declared that a basic story situation and a French music hall staging of a can-can dance number were the causes for refusal of the certificate. "Zaza" has been produced twice previously by Paramount, once in 1915 and again in 1923. The present version went into the cutting room on Aug. 9 after eight weeks of shooting. It was prepared by Zoe Akins from the play by Pierre Berton and Charles Simon.

Color for 16mm. Not to Be Available Until January 20

WASHINGTON, Nov. 20.—Color for 16mm. will not be available until after Jan. 20 and the price has not yet been fixed, it is learned from bids submitted to the Federal Housing Corp. for production of films in color and black and white. The films will demonstrate FHA activities.

Four formal bids were received for the contract, which will run to June 30, next. Bidding were Pathe News, which has done considerable Government film production; Motion Picture Corp. of America, New York; Hollywood Industrial Picture Co., Culver City; Loucks & Norling Studios, New York, and there was an informal bid from Splay Commercial Pictures, Hollywood.

Pathe News offered to produce 35mm. color sound films for $12.80 per foot in lengths to 3,000 feet and $9 if longer; color silents for $11.80 up to 3,000 feet and $8 if longer; black and white sound at $4.50 per foot and black and white silents for $3.50. No prices were quoted on prints.

Other Bids Made

Motion Picture Corp. of America bid on color sound film $8.20 per foot to 1,000 feet, $7.80 to 3,000 and $6.65 on longer films, with 35mm. prints at 12 cents a foot up to 3,000 feet and nine cents on longer; color silent, $7.60 to 1,000 feet, $7.20 to 3,000 feet and $6.20 if longer, with 35mm. prints at 12 cents per foot up to 3,000 feet and nine cents on longer films; black and white sound films at $5.20 per foot to 1,000 feet, $5.10 to 3,000 feet and $5.05 if longer; black and white silents at $4.60 to 1,000 feet, $4.50 to 3,000 and $4.45 if longer. No prices were quoted on 16mm. color prints.

Hollywood Industrial Picture Co. offered color sound films without animation at $14 per foot to 1,000 feet, $13 to 3,000 and $12 for longer films, quoting $20 per foot for animation. Prints in 35mm. were offered at prices ranging from eight to 22 cents per foot, dependent on the number of copies, with safety base film two cents a foot higher. Color silents were offered at $13, $12 and $11 per foot, dependent on length, without animation, with prints at the same prices as for sound prints. Black and white sound films were offered at $10, $8.75 and $7.75, dependent on length, and silents at $9.20, $7.95 and $7.15.

Prices Depend on Distance

Loucks & Norling Studios quoted prices dependent on the distance of production from New York, starting at $15, $14 and $13 per foot for sound color made within 400 miles, to $17, $16 $15 if over 500 miles; 35mm. prints were offered at 13½ to 7½ cents a foot, dependent on the number of print orders, with two cents additional for acetate base; 16mm. prints ranged from 17 to 13½ cents.

Color silents were offered at $14, $13 and $12 if within 400 miles, to $16, $15 and $14.50 if over 1,500 miles, with 35mm. prints at 13½ to 7½ cents and 16mm. at 17 to 13½ cents. Black and white sound films were offered at $7, $6.75 and $6.25, dependent on length, and silents at $6, $5.75 and $5.25.

An informal bid from Splay Commercial Pictures quoted $4.10 per cut foot for sound color, $3.80 for silents, $3.25 for sound black and white, and $3.15 for silents.

Foresee Early Settlement of RKO Problem

(Continued from page 1)

or if the matter is still in abeyance by that time, certainly by the middle of December.

There are creditors working toward this end and doing all that is necessary to make it possible. All else depends upon the court and how speedily the court acts. The trade as well as creditors are hoping that the situation may be cleared quickly and permanently, so that the company can obtain a new lease of life beginning with the new year.

Indications are that the company operations are progressively improving, and that only the company's emergence from its 77B situation is required to give it the big impetus toward real stability, which is impossible under bankruptcy. In January it will be six years that RKO has been in bankruptcy, the longest on record in the trade, and probably the longest on record anywhere. By this time everybody is familiar with RKO and its situation, so that its continuance in bankruptcy is one of the most puzzling matters.

U.A. Circuit's Net For Year $148,743

(Continued from page 1)

slump in general theatre business.

Net income before deducting interest, depreciation, amortization and provision for Federal income taxes was $573,440.08 for the year, against $627,254 the previous twelve months.

The company improved its cash position during the year, with $547,623 on hand Aug. 31, compared with $485,883 shown in the previous balance sheet. Theatre investments at cost or appraised values, less reserves for depreciation and amortization of $1,677,868, are carried on the books at $3,630,553, under last year's figure by $178,000. Capital stocks of and advances to affiliated companies owned less than 100 per cent total $2,485,138. Total current assets are carried at $8,265,639.

United Artists Theatre Circuit owns or has an investment in about 200 theatres, of which 100 are in the New York metropolitan area, with a 50 per cent interest in Robb & Rowley United, Inc., in Texas and equities in midwest and coast theatres.

Additionally the circuit has the Rivoli, Broadway, and also controls Metropolitan Theatres, which includes Skouras Theatres (George Skouras) and the Randforce Circuit (Sam Rinzler and Harry Frisch).

Joseph M. Schenck is president and chairman of the company. The United Artists Theatre Circuit is not related nor associated with United Artists Corp., major producing and distributing firm.

United Artists Theatre Circuit annual meeting of stockholders will be held in Baltimore Nov. 28.

I KN

THAT THE TOP EXHIBITOR REVENUE TODA

CONSISTENTLY FROM ONE PARTICULAR A

THAT THIS SHOW IS PLAYING TO BIGGER H

'ADVENTURES OF ROBIN HOOD'–ACTUALLY

OF THE OUTSTANDING MONEY-MAKERS EVER

That's Why I'm All Set Now To Ho

BROTHE

OW

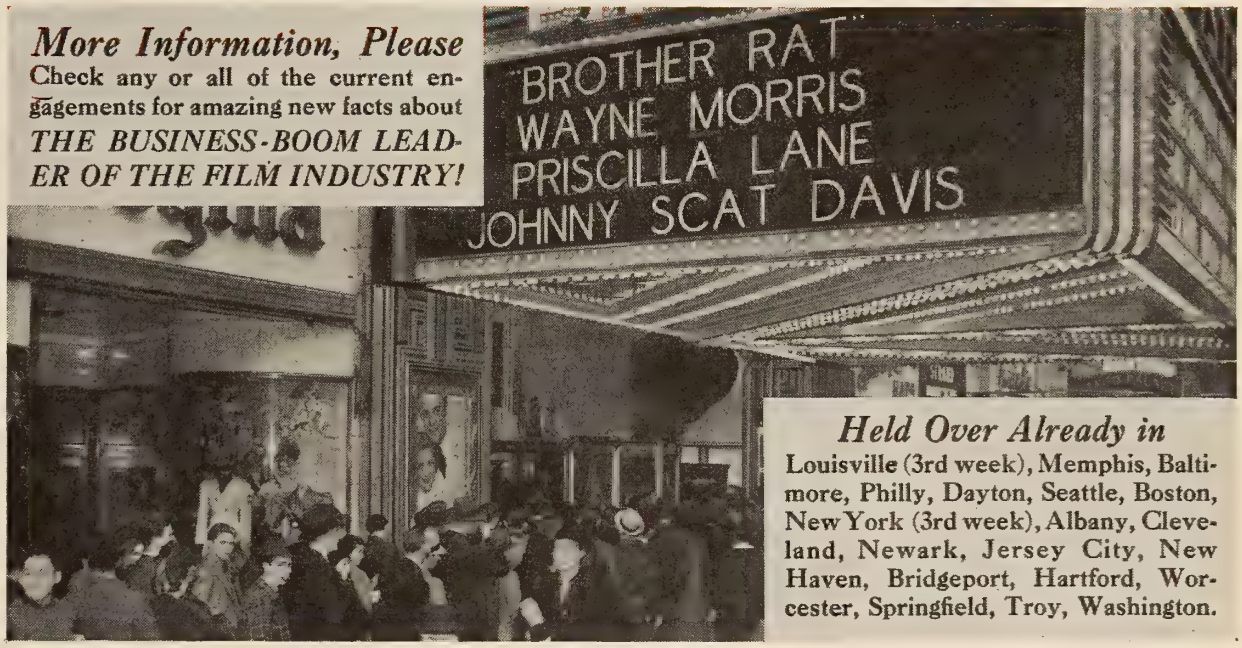
COMING

ACTION–

ES THAN

VING ONE

LIVERED



More Information, Please
Check any or all of the current engagements for amazing new facts about *THE BUSINESS-BOOM LEADER OF THE FILM INDUSTRY!*

Held Over Already in
Louisville (3rd week), Memphis, Baltimore, Philly, Dayton, Seattle, Boston, New York (3rd week), Albany, Cleveland, Newark, Jersey City, New Haven, Bridgeport, Hartford, Worcester, Springfield, Troy, Washington.

'hat Warner Comedy Sensation. . . .

R RAT

with
PRISCILLA LANE
WAYNE MORRIS
and
JOHNNIE DAVIS • JANE BRYAN • EDDIE ALBERT
RONALD REAGAN • JANE WYMAN • HENRY O'NEILL
Directed by WILLIAM KEIGHLEY
Screen Play by Richard Macaulay & Jerry Wald
From the Play by JOHN MONKS, Jr. & FRED F. FINKLEHOFFE • A First Nat'l Picture

British Renew Drive

London, Nov. 20.—The remaining spark in the British "come to the films" campaign is not being allowed to die. It has again been fanned by the efforts of Southern Midlands exhibitors, who have asked the C. E. A. general purposes committee to consider getting together all those trade sections who are interested in a scheme of national advertising.

Dismiss Game Charge Against 3 Theatres

Police charges of conducting a lottery against three Brooklyn theatres in the operation of chance games were dismissed after hearing Friday by Magistrate Salvatore Sabbatino.

Defendant theatres were the Paras Court, operated by Louis Goidel; the Subway, operated by Frank Worth, and Abe Levy's New United. Games involved were Bingo, Bango and Banko.

The Magistrate held that the circumstances under which the games were conducted did not warrant a conviction under Section 1,376 of the Criminal Code making the conducting of a lottery a crime. The three cases were heard separately, with Harry G. Kosch, general counsel of New York Allied, representing the defendants.

Local exhibitors were concerned about these cases as they gave evidence that the authorities intended to conduct a drive against theatre chance games. An earlier case, involving the Jewel Theatre in Harlem, is scheduled for trial in Special Sessions Dec. 12, on charges preferred by the Society for the Prevention of Crime.

English Technicians Urge Quota Increase

London, Nov. 20.—Only 52 features were made here during the first seven months that the new Films Act has been in operation, according to the Association of Cine Technicians. This figure includes 12 pictures made under the exhibitor quota provisions of the Act.

As a result of the severe production slump, the Association will urge the Films Council to consider using its power to increase quota percentages.

No indication was given of the extent of increases in the quota percentages which the association will urge. It is contended the slump is due to the triple quota provision whereby high cost films are permitted to count for three under the quota. Production of "B" pictures has been hard hit.

Wilcox, Van Schmus Head Group to West

Herbert Wilcox, Anna Neagle, Frank Lloyd, Arthur Ungar, Lou Smith and W. G. Van Schmus, managing director of the Music Hall, left on the *Iroquois* from Grand Central Friday night for Chicago. From there all will go to the coast.

Wilcox expects to return to New York in 10 days, and will remain in this country about three weeks before returning to England. Van Schmus is going west on a periodic studio visit.

Hollywood Previews

"Say It In French"

(Paramount)

Hollywood, Nov. 20.—Showmen can say, in French or any other tongue, that this is one of the brightest comedies of the season. Produced and directed by Andrew L. Stone, from Frederick Jackson's screenplay based on a play by Jacques Deval, the picture is a fresh, brisk and unintermittently amusing fiction fashioned solely for laugh purposes and held well within the boundaries of plausibility. Following "Men With Wings" at the Los Angeles Paramount, it kept an audience alternating steadily between chuckles and guffaws climaxed in at least four instances by spontaneous applause. It never bogs down and it ends without weakening.

Ray Milland and Olympe Bradna play the leads in a manner to suggest that this is a co-starring team worthy of perpetuation. Irene Hervey stands out in support, dominating many sequences, and William Collier, Sr., brings out of the past one of his inspired portrayals. Mary Carlisle, Holmes Herbert, Mona Barrie, Janet Beecher, Erick Rhodes and Walter Kingsford are uniformly successful in well balanced performances and little Billy Lee registers soundly in a sustained interlude played without speaking.

The scene is New York and the time now. Milland is a son of wealth returning from Paris with a French bride his now financially embarrassed parents know not of. For commercial reasons he consents to pose as engaged to rich Miss Hervey, his wife, Miss Bradna, posing the while as maid in his parents' service. What happens from there on is not in any sense the expected and is properly for the film to tell.

New York scenes include the Rainbow Roof, the Waldorf Astoria, various night spots and swanky apartments. A production feat resultant in just about the funniest single scene of recent record shows Milland and Miss Hervey scooting across town in a midget automobile which, stymied by traffic, races through the foyer of the Edison Hotel from 47th to 46th Streets and thence under a policeman's horse and between trucks, taxis and N. Y. Central box-cars to the departing *Queen Mary*.

Running time, 70 minutes. "G."*

Roscoe Williams

**"G" denotes general audience classification.*

"The Shining Hour"

(M-G-M)

Hollywood, Nov. 20.—"The Shining Hour" is an adaptation of a New York stage play. A preview program notation states: "The play was first considered as screen material by Joan Crawford when she saw it in New York. Returning to the studio she persuaded them to purchase the drama." It now becomes an exhibitor obligation to persuade his patrons to see the film version.

Miss Crawford is starred in the vehicle of her own choosing. Margaret Sullavan, Robert Young, Melvyn Douglas and Fay Bainter are the featured principals. Allyn Joslyn, Hattie McDaniel, Oscar O'Shea, Frank Albertson and Harry Barris are the supporting players. The screenplay for the Keith Winter play was done by Jane Murfin and Ogden Nash. A sophisticated romance drama, the appeal of which is directed to sophisticated adult audiences, the picture was directed to accentuate that quality by Frank Borzage. Producer Joseph Mankiewicz gave the piece the benefit of class production and staging.

Douglas persuades Miss Crawford, dancer, to marry him despite the guarded objections of his brother, Young, who is married to Miss Sullavan. The newlyweds move to the "Linden" Wisconsin farm home. There Miss Crawford not only meets the open enmity of maiden sister Miss Bainter, but is quickly in a romantic association with Young that threatens to culminate disastrously for all. Though Douglas cannot see what is going on about him, though Miss Bainter strives to drive the woman she does not want from the home, though Miss Sullavan would sacrifice her own happiness for the greater happiness of her husband and Miss Crawford, the latter feels that the only solution to the problem is her own self-elimination. But when she saves Miss Sullavan from death in a fire, full realization of the heroine's character is apparent to all. A six-month honeymoon is decided upon by Miss Crawford and Douglas to straighten out the snarls in many tangled lives.

Running time, 75 minutes. "A."*

G. McC

**"A" denotes adult audience classification.*

Plans Theatre in Ohio

Woodsfield, O., Nov. 20.—James Shannon, owner of the Swissland, will build a new theatre here, to seat 500.

Oriental Joins Allied

Chicago, Nov. 20.—The Oriental, Loop house, is the latest addition to Allied Theatres of Illinois.

CEA Asks Members Obey Seating Rule

London, Nov. 20.—The London Branch of the Cinematograph Exhibitors' Association has advised its members officially to cooperate with the London City Council in carrying out the new seating rule. The C.E.A., however, will contest the council's claim to a legal right to establish and enforce such rules. It is believed that, otherwise, the council may be encouraged to go further and attempt [illegible] control the number and prices of all theatre seats, and ultimately may even interfere with the relationship between the theatre and the public.

Spyros Skouras Back From Circuit Survey

Spyros Skouras, operating head of National Theatres, returned late last week from a 10-day field trip by plane to divisional offices in connection with the circuit's third annual drive, which ends Dec. 25.

Meetings were held with division and district managers and bookers in Milwaukee, Kansas City, Denver, Seattle, Los Angeles and San Francisco. Present outlook is that the drive will be successful, it was reported.

Skouras also urged continuance of close cooperation of staffs with the Motion Pictures' Greatest Year campaign, in which he is a leader. He was accompanied on the trip by his assistant, Peter Levathes. Conferences on the coast were with Charles Skouras.

J. J. Sullivan, Fox West Coast film buyer, left Friday for Los Angeles after several months here on film buying. Most of this work has been completed. Sullivan is expected back here in two months.

19 Shows on B'way

Openings are scheduled for every night this week, as Broadway legitimate stage producers are preparing for the customary winter upswing. Nineteen productions remained on the boards on Saturday after the closing of "Our Town" with 331 performances, and "Danton's Death" with 21.

"Good Hunting," a satire on the general staffs during the World War, by Nathanael West and Joseph Schrank, will start today at the Hudson. Production is by Jerome Mayer and Leonard Field, and the cast includes Aubrey Mather, Estelle Winwood, Ben Smith, Derek Wiliams, Nicholas Joy and others.

Other openings set for this week are "Ringside Seat" at the Guild tomorrow; "The Boys from Syracuse" at the Alvin Wednesday; "Rocket to the Moon" at the Belasco Thursday; "Gloriana" at the Little, Friday; and "Glorious Morning" at the Mansfield Saturday. Productions set to open this week which have been postponed indefinitely include "Let's Raise the Curtain," "The Flying Ginzburgs" and "Herod and Mariamne."

Radio Personals

FRANK NOVAK'S band closes at the Biltmore next week . . . Theodore Cullinan, manager for London's Palladium, is here to obtain stage and radio acts for England . . . Fitzgerald returns to the Mutual airlanes, starting today with a new variety pro[illegible]m.

+

Doug Watt, assistant radio-editor of the New York *Daily News,* has written another tune, "I'd Do It Again," being published by Mills. Watt also is the composer of "Not a Moment to Spare" . . . Tommy Dorsey is tendering a cocktail party Thursday evening . . . A. B. Sambrook, WBS station relations manager, is making a three-week trip through the south . . . Jo Rines will guest appear with Rosalind Sherman on the latter's WINS period tomorrow . . . Leslie Howard will be interviewed by Radie Harris over Mutual on Thursday.

+

Les Leiber leaves the CBS publicity department in December to work for Paul Whiteman as publicity liaison, and to do occasional novelty musical numbers with the band.

Canada Plans Royal Visit Air Coverage

TORONTO, Nov. 20.—N. L. Nathanson, president of Famous Players Canadian Corp., has been notified to attend a meeting of the board of governors of the Canadian Broadcasting Corp., of which he is a member, to confer with a committee of the Canadian Cabinet on arrangements for the broadcasting program in connection with the visit to the Dominion next May of Their Majesties King George and Queen Mary.

It is expected that the King will address his Canadian subjects over the radio on arrival at Quebec and on his departure from Halifax. The radio coverage of events throughout the Royal tour in a worldwide hookup will also be arranged, in conjunction with which will be the general plan for the coverage of functions and incidents by the news cameramen.

Molle Renews Series

Molle Co., sponsoring Julia Sanderson and Frank Crumit in "Battle of the Sexes," audience participation show Tuesdays on the NBC-Red, has renewed the series for another 13 weeks beyond the present 13 week contract. Stack-Goble is the agency handling the account.

Expand Standard Show

Standard Brands, Inc., for Fleischmann's Yeast, has expanded the network carrying the talks of Dr. Stidger on NBC, by adding WOWO, Fort Wayne, and WLS, Chicago, effective Nov. 21. J. Walter Thompson is the agency.

Radio Firms Chartered

ALBANY, Nov. 20.—Harrison Recording Studios, Inc., and Authors and Artists, Inc., the latter to operate a general broadcasting business, have been incorporated here.

WOR Closes Deal For a New Program And Five Renewals

Five renewals and a new program have been signed at WOR.

"Lone Ranger," popular western serial, broadcast Mondays, Wednesdays and Fridays over a coast-to-coast Mutual hookup, has been re-signed for another 52 weeks of broadcasting, effective at once. The series is sponsored by the Gordon Baking Co., through Young & Rubicam.

Hoffman Beverage Co. has renewed Arthur Hale's Transradio news broadcasts, heard nightly, through a placement by Batten, Barton, Durstine & Osborn.

Provident Loan Society, through McCann-Erickson, has extended Al Mitchel's "Answer Man" program for another year.

Through direct placements, Neil Vinick's beauty talks and the Martha Deane series for National Porcelain Co., have been renewed for 13 weeks each.

Remington Rand has contracted for a new recorded series in the early morning hours on WOR, "Wake Up With Music," to start today and daily Mondays, Wednesdays and Fridays thereafter at 7 A. M. The contract was placed by Batten, Barton, Durstine & Osborn.

Dismiss Patent Suit

Suit for patent infringement brought in the U. S. District Court by Ruben Condenser Co. and P. R. Mallory & Co., Inc., against Stuyvesant Electric Co., Inc., was dismissed without prejudice on stipulation of the parties to the suit. The plaintiff had claimed infringement by the defendant of two patents covering improvements to condensers and had sought an injunction, accounting of profits and judgment for damages.

Mosier, Love to Cincy

CINCINNATI, Nov. 20. — Additions to local station staffs include Wallace A. Mosier, previously farm editor of KFRU, Columbia, Mo., who has joined WLW as farm announcer and farm special events man, and Merwyn Love, associated with stations in Chicago and other western points, appointed to the production staff of WKRC.

Balfe Is Program Head

PITTSBURGH, Nov. 20.—Kay Balfe has resigned from WWSW's announcing staff to become program director at WMMN in Morgantown, W. Va. Balfe rejoined the station's announcers only a short time ago after serving as WWSW's publicity director for several years. He was replaced in that post by Bud Trautman.

Cooper WCSH Editor

James M. Cooper has been appointed special news editor of WCSH, Portland, according to Weed & Co., special representatives for the station. Cooper served in New York for two years with the United Press, and more recently was acting editor of the *Portland News.*

Uphold Council on Inquiry into WNYC

Right of the City Council to conduct an inquiry into the affairs of WNYC and "to determine whether the interest of the city might be served by disposing of the station" was upheld Friday by the Appellate Division of the N. Y. Supreme Court. The higher court upheld an earlier decision of Justice Kenneth O'Brien which refused to quash a subpoena served on Morris Novik, director of WNYC, and ordered him to appear for examination.

NAB Scores Plan to Measure Radio Value

WASHINGTON, Nov. 20.—The recent plan of Blackett-Sample-Hummert to measure radio station effectiveness by the amount of free space obtained by stations in newspapers was scored here Saturday by the National Association of Broadcasters, which stated that newspaper space in support of radio campaigns should be bought and not "begged."

The agency recently had announced plans to determine which stations obtain the best "cooperation" from newspapers and to publicize these stations in advertisements in the trade press.

The N. A. B. said Saturday that such efforts as these lead inevitably to further misunderstandings between radio and the press and do not serve the best interests of the broadcasting industry.

"Ma Perkins" Off Blue

"Ma Perkins," now on both the NBC Red and Blue networks, will be replaced on the Blue with a new series, "Central City," starting today. The new series will retain the same schedule as the old, Mondays through Fridays from 10:45 to 11 A. M. "Ma Perkins" will be continued as at present, Mondays through Fridays from 3:15 to 3:30 P. M. on the Red. H. W. Kastor & Son is the agency.

Safeway Starts Series

SAN FRANCISCO, Nov. 20.—Safeway Stores, chain grocers with selling units in all parts of the state, have inaugurated a widespread radio campaign here and in Los Angeles to promote sale of Lucerne Mill. Stations include KFRC, KSFO, KPO, and KJBS here, and KHJ, KFI, and KNX in the south.

Signal Oil Renews Show

SAN FRANCISCO, Nov. 20.—Signal Oil Co. has renewed its Sunday night "Carnival," half-hour variety show with Meredith Willson's orchestra, over KPO, for 52 weeks. New KPO accounts include Teena and Tim transcriptions, three days a week for four months, for Campbell Cereal Co. (Malt-O-Meal).

Joan Edwards Renewed

Joan Edwards has been renewed as the vocalist on the Paul Whiteman series for Chesterfield cigarettes, through Newell-Emmett Co.

Retail Radio Sales Off 22% for First Half of This Year

WASHINGTON, Nov. 20.—Retail radio sales during the first half of 1938 were 22.4 per cent under those of the corresponding period last year, it is indicated by the U. S. Census Bureau on the basis of a sample census of 243 stores, representing six per cent of the establishments and 10 per cent of sales shown by the 1935 census.

Total sales of the 243 cooperating stores jumped from $5,602,000 in 1935 to $8,080,000 last year. Sales during the first half of 1937 were $3,897,000 and for the same period this year, $3,024,000.

Returns of these stores, the Bureau said, indicate that 1937 sales of the radio industry were 44.2 per cent above 1935 and that payrolls were 34.6 per cent higher. While sales during the first half of this year dropped 22.4 per cent, payrolls declined only 6.1 per cent.

The heaviest loss from last year was experienced in the second quarter, which was 30.1 per cent under 1937. The first quarter showed a loss of only 12.9 per cent.

Hays Is New Sales Manager of WABC

Arthur Hull Hayes has been named sales manager of WABC, CBS's key station. At the same time, it is learned that Marlo L. Bloom has joined the station's sales force. Bloom was formerly with the Henderson-Garfield agency. Other newcomers to the sales staff are Beverly M. Middleton, and Robert C. Mayo. The former was previously sales manager of WFAS, White Plains.

Pryor Is Organizing Music Union Reforms

Arthur Pryor, band leader, has been drafted to head a "reform" slate of officers for Local 802, American Federation of Musicians, at the annual elections Dec. 15.

The reform element has organized itself as the Committee for Better Unionism, with Billy Van as secretary of its executive board. Selection of running mates for Pryor will be completed by the committee within a few days.

Officials of Local 802 could not be reached for comment on the charges over the weekend.

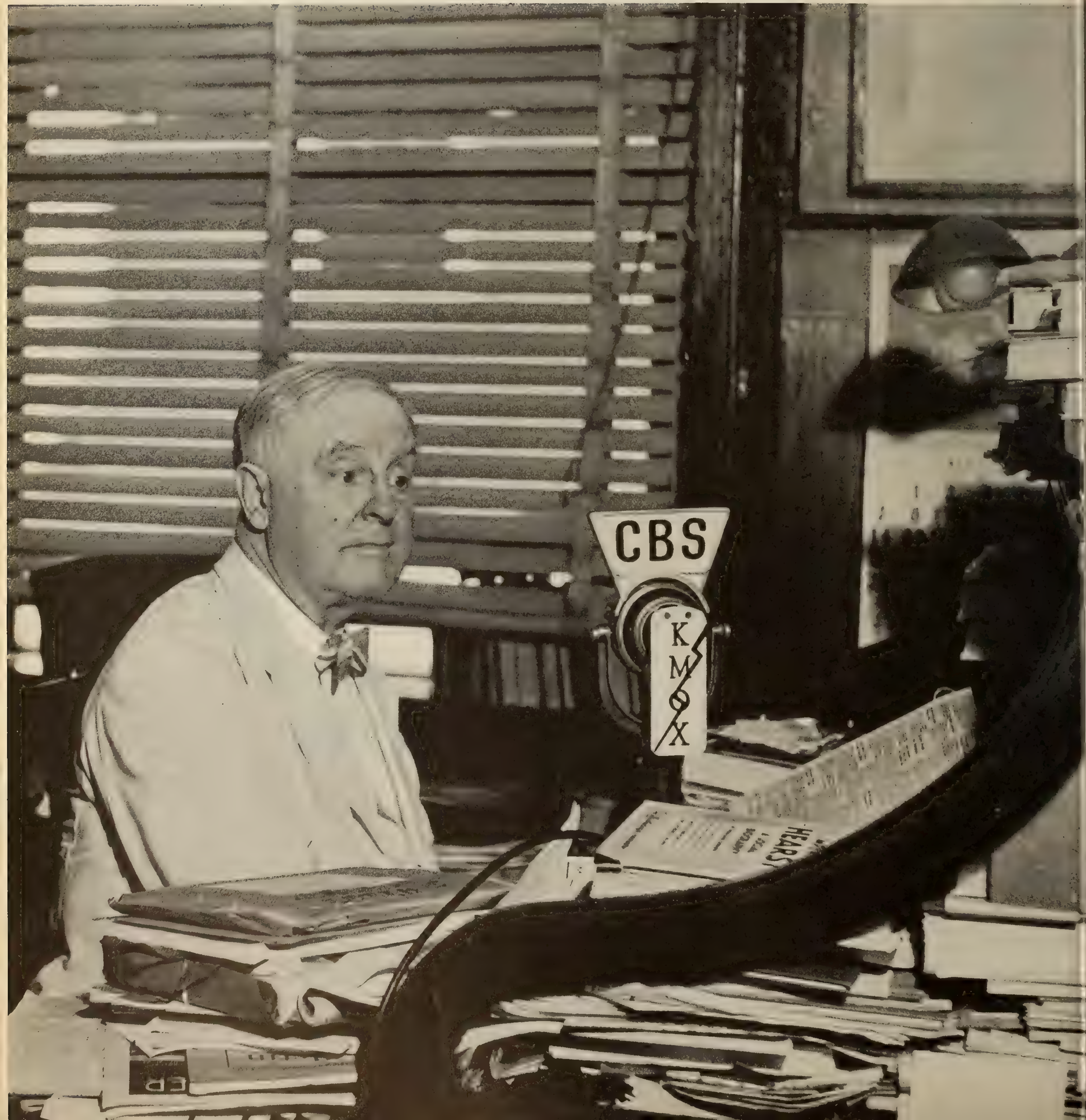
Display G. E. Televisors

General Electric Co. will place television home receivers on display as part of its exhibit at the New York World's Fair. The company has not yet determined, however, as to whether the sets will be placed on sale at that time.

Antenna Aimed at S. A.

CINCINNATI, Nov. 20.—A new directional antenna, aimed at Latin America, is being built for W8XAL, which operates on 6,060 kilocycles, according to Joseph Ries, director of international broadcasting of the Crosley Corp.

How *much is*


CBS
KMOX
HEARST

miracle worth?

The gentleman on the left, William Allen White of the Emporia Gazette, is the writer of the editorial below. He tells his morning-after-the-night-before reactions to the CBS broadcast which put him and the Emporia Gazette on the air, over 77 CBS stations.

THE MIRACLE

"Half a dozen cars, equipped with radios, parked in front of The Gazette office last night to get the first fresh gleanings of The Gazette's radio broadcast as they dripped out of the microphone. The reception was particularly good in front of The Gazette office. Down at Peter Pan park at the night kitten-ball game, interest in the game lagged and hundreds of people went to their radio-cars where the reception was splendid. But the real truth is that that broadcast left the microphones in the newsroom, composing room and pressroom of The Gazette and was sent by long distance telephone to the Columbia Broadcasting office in New York City, then went on the air from there and was telephoned back from New York City through various chains until it came to Topeka. The whole thing went 3000 miles by telephone and by air before it hit the radios near The Gazette office and at Peter Pan park. If that isn't a miracle, what is?

* * * *

"This hook-up which Emporians enjoyed last night was a coast-to-coast hook-up of the Columbia Broadcasting System, relayed by short-wave to Europe. The cost of such a network for 30 minutes is $20,000.[★] That is the commercial value of the entertainment which Emporians and the rest of the United States had. And well—so far as The Gazette's show is concerned, we can't see how it is worth it. It must cost millions every day to keep all these great radio stations going and the revenue returning must be sufficient to make a decent profit. That, also, is a miracle . . .

* * * *

"Gilbert Seldes, who is handling the series of broadcasts every Thursday night called "Americans at Work"[†] . . . is a man of exceptional intelligence and works out these "Americans at Work" programs very much like dialogues Friday afternoon at country school...The stage management of a dialogue like last night's with half a dozen characters is rather difficult and the timing is most intricate. During the midst of the broadcast, when Mr. Seldes asked the editor of The Gazette a question, he suddenly found that he had mislaid his slip and said under his breath, "The Lord help me!" When quicker than a flash Seldes handed over from his sheet the script with the reply on it. Everything is in duplicate. There can be no serious slips.

"Among the fan telegrams that came to The Gazette office was one from Samuel Ramseyer, of Larchmont, N. Y., who heard the broadcast. He is an uncle of Mrs. Peggy Stites and was of course surprised to hear that Mr. and Mrs. O. R. Stites had gone to Denver. He was so excited that he went to the telegraph office and wired The Gazette. Mr. Ramseyer used to visit here many years ago when his brother, J. P. Ramseyer, was in business. He said the broadcast made him homesick for Kansas.

* * * *

"Most of The Gazette force stood around last night in the newsroom and watched the show. It was a new experience. The microphones were attached in the composing room near the linotypes and in the pressroom by the newspaper press, and two microphones were at Frank Clough's desk. The office force in and out of the cast who had heard the rehearsal two or three times watched the performance with great zest, and after it was all over they all adjourned to Morris's drug store and had a coke, which is the height of night life in Emporia. It was a gay time and one of the really great adventures that The Gazette has had in the nearly 50 years of its life. And to think that that fleeting half-hour of newspaper jargon would have cost an advertiser $20,000![★] It is no use trying to imagine such things.

"The world has gone clean plumb mad!"

[★] Not $20,000, Mr. White. The cost for a sponsored program, on the hook-up of 77 CBS stations which carried this program, would have been $9,570 (before discounts). And shrewd advertisers find it well worth while. What other reason for so many of them on the air!

[†] AMERICANS AT WORK (Thursdays, 10:30-11:00 P.M., EST) is one of the 20,000 programs broadcast by Columbia each year. It is a program created by the CBS Department of Education, giving vivid, from-the-scene portrayals of the varied jobs Americans do.

Columbia Broadcasting System

'illiam Allen White at
's desk, Emporia, Kansas

UNITED ARTISTS

is proud to present its first series of shorts since the Disneys . . . a new motion picture thrill

WORLD WINDOWS

full of the glamour and romance of far-away places . . . taking your patrons around the world in

TWELVE TOURS

each a perfect gem of pictorial and dramatic interest and photographed in the most perfect

TECHNICOLOR

that ever flashed across the screen! ***Arrange to have these subjects screened for you:*** "THE ETERNAL FIRE" • "JERUSALEM" "ROME SYMPHONY" • "FOX HUNTING" • "PETRA" *(RUINED SITE IN ARABIA)* "WANDERERS OF THE DESERT" • "ARABIAN BAZAAR" • "RUINS OF PALMYRA"

DO NOT REMOVE

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 44. NO. 101 NEW YORK, TUESDAY, NOVEMBER 22, 1938 TEN CENTS

Canada Gains 2 Concessions In Trade Pact

Excise Tax Dropped and Print Duty Reduced

TORONTO, Nov. 21.—Preferential treatment for film items imported from Great Britain into Canada is reduced in favor of the United States in the trade agreement signed in Washington last week between the Dominion, the United States and the United Kingdom.

Two important concessions have been gained by the film business in Canada. One is the erasing of the three per cent special excise tax on the duty paid value of imports from the United States. The second advantage is the reduction of the Canadian duty on positive prints from the

(*Continued on page* 6)

N.Y. Council Bill Limits Advance on Legitimate Prices

Efforts of the League of N. Y. Theatres to limit advances by ticket brokers to a maximum of 75 cents per ticket will receive considerable support today when Councilman Howard Spellman will introduce a bill before the City Council to permit theatre owners to limit the resale price. Violations will be subject to fines and possible jail sentences. Since a Federal law requires the broker to stamp the price on the back of the ticket, the proposed bill is expected to aid in the enforcement of the code.

In January, N. Y. City License Commissioner Paul Moss will sponsor a bill before the state legislature to transfer the licensing power over ticket agencies from state to municipal control. Both measures will be backed by the league.

NLRB Hears Kibre Charges on Dec. 1

HOLLYWOOD, Nov. 21.—Hearing of "company union" charges brought by Jeff Kibre, minority faction leader of Studio Local 37, against the I. A. T. S. E. was set for Dec. 1 before the N. L. R. B. here by Regional Director Towne Nylander upon his return from a three-week conference with N. L. R. B. heads in Washington. Nylander stated that he had been

(*Continued on page* 6)

N. P. R. Collect!

M. P. Daily, N. Y. C.

"Little Rock, Nov. 21.—Fifty theatre owners of Arkansas I.T.O.A. met for two days and looked at pictures. No action on anything. No story. Regards."

Harlan Hobbs

Guatemala Meeting Will Set Channels in Central America

NEW ORLEANS, Nov. 21.—A meeting to determine the channels to be used for broadcasting stations in Central American countries will be determined at a conference to be held at Guatemala City, Guatemala, representatives of the U. S. Army and the Federal Communications Commission disclosed here before boarding ship to attend the meeting.

The conference is scheduled to open Thursday at Guatemala City and is important to the United States because of the location of the Panama Canal Zone in Central America, according to Lieut. Col. David M. Crawford of the U. S. Signal Corps.

Others attending the conference with him will be Gerald C. Gross, chief of the international section of the F.C.C.; Harvey Otterman, also of the international section, and Daniel Schmidt, stenographer and interpreter attached to the State Department.

To Test Copyright Changes on Dec. 15

Proposed changes in the Federal copyright laws will be put to a vote of the representatives of the various industries interested at the next meeting of the general copyright committee, Dec. 15. Results of the vote will determine the nature of the changes that the committee will recommend to Congress at the coming session.

Yesterday's meeting of the copyright committee was confined to continuation of the discussions entered upon at the earlier meetings and to receiving reports of sub-committees. E. P. Kilroe, 20th Century-Fox, and Herman Finkelstein, Columbia, represented film companies at the meeting.

Radio—P. 8

British Distributors Must Improve Prints

LONDON, Nov. 20.—As a result of C.E.A. pressure, backed by an almost complete unanimity and collaboration among rank and file members, distributors in future will pay greater attention to the condition of prints.

A C.E.A. inquiry was launched, and some indication of the support accorded the move is indicated in the fact that 6,543 replies were received. Most of the complaints referred to the sound track.

Distributors were contacted by the C.E.A. General Council and asked to cooperate. Steps already have been taken to improve the quality of prints.

In some cases laboratories have agreed to install more up to date equipment.

Firms Will Not Compromise With Italians

Vigorous denials that any major American distribution company was engaged in negotiations with the Italian Government looking to continuance of operations in that country after Dec. 31 was made yesterday by Col. Frederick L. Herrón, foreign head of the M.P.P.D.A.

Possibility of a compromise between Italy and American film distributors on E.N.I.C., the Government controlled film monopoly which is scheduled to become operative Dec.

(*Continued on page* 6)

Government Weighs Dropping of 12-15 Defendants in Suit

Elimination of 12 to 15 individuals as defendants in the Government anti-trust suit is understood to be under consideration by the Department of Justice. The eliminations would be confined to those no longer identified with defendant companies or else associated with them in inactive capacities.

Among the individual defendants in the anti-trust suit who might be considered in either of these classifications are Dr. A. H. Giannini, former president of United Artists; H. A. Fortington, former Paramount board member; E. A. Schiller, Loew's theatre executive; Leo Spitz, former president of RKO; Courtland Smith,

(*Continued on page* 6)

Court Affirms Earlier Stand In G.T.P. Case

W.E. Wins Decision in Amplifier Suit

WASHINGTON, Nov. 21.—Refusing to accept Administration representations that patent monopolies should be restricted, the United States Supreme Court today affirmed the decision rendered last May, holding General Talking Pictures Corp. to have infringed patents in the use of amplifiers restricted to radio reception in the production of sound apparatus for theatres.

The court, as was the case last spring, was split on the issue, four members joining with Associate Justice Brandeis in the majority opinion. Associate Justice Roberts did not participate in consideration of the case.

The majority refused to pass on questions raised by General Talking whether a patent owner can restrict

(*Continued on page* 6)

U. S. Co-operative Industrial Scheme Facing Curtailment

WASHINGTON, Nov. 21.—Establishment of a cooperative Government-industry sponsored plan for circularization of industrial films is under consideration in the Department of Commerce, but indications are that the ambitious plans of sponsors will be materially toned down before the proposed Industrial Film Institute is established.

Fathered by Frank R. Wilson, assistant to the Secretary of Commerce, the scheme calls for the cooperation of national trade organizations in the

(*Continued on page* 6)

Turkey Week

This is "turkey week" at Loew theatres, with 41 houses in the metropolitan area distributing 1,000 gobblers and "the fixin's." Neighborhood merchants are cooperating, and the turkeys will be awarded in special contests and other stunts before Thursday. A few of the theatres are giving away 50 each.

◂ Purely Personal ▸

GRACIE FIELDS will arrive in New York on the *Normandie* Thursday, and will go to the coast to confer with Joseph M. Schenck, Darryl F. Zanuck and William Goetz on further pictures to be made by her in England with the American market in view.

•

Arthur Eddy of Warners' coast publicity department has arrived with Mrs. Eddy in Pawtucket, R. I., on a visit with his family. They are expected here next week.

•

Arleen Whelan left the coast yesterday for Washington, from where she will come on to New York for a short vacation.

•

Mrs. Catherine Young, postmistress at the 20th Century-Fox home office, has become the grandmother of a girl.

•

Lucius Beebe, columnist, returned to New York from the coast yesterday after work in Paramount's "Union Pacific."

•

H. J. Yates arrived at the Republic coast studios yesterday for a visit which is expected to extend over several weeks.

•

Nancy Kelly leaves New York today following a short vacation and is returning to the coast.

•

Bill Saal of Republic is touring with Roy Rogers, who is doing personal appearances.

•

Charles P. Skouras, Fox West Coast theatres head, plans a trip to Europe soon.

•

Col. Leslie R. Naftzger, Dufaycolor vice-president, has gone to the midwest to see a new grandchild.

•

Ilona Massey, Viennese singer and actress, is in New York for a brief vacation.

•

Joe Pollack, who went abroad several weeks ago to aid relatives in Germany, is now in Berlin.

•

Robert B. Wilby has left for home after a series of meetings with Paramount theatre executives.

•

Herman Robbins, National Screen president, returned from the coast yesterday.

•

Hunt Stromberg will leave the coast Friday for a New York visit.

•

George Trendle is in town from Detroit.

Schaefer to Leave For Coast on Friday

George J. Schaefer, RKO chief executive, will leave for the coast Friday for his first visit to the studio since taking over the reins of the company. Leo Spitz, former head of RKO, is expected back from the coast today. He spent some time at the studio and also vacationed at Palm Springs.

Insiders' Outlook

JUDGE Henry S. Waldman of the Union County (N. J.) juvenile court recently came to the defense of the industry against attacks from reformers that certain films contribute to juvenile crime and delinquency.

Not one of the 4,000 children who have appeared in his court in the last seven years started on a delinquent career as a result of "going to the movies," says the Judge.

"A study of the film going habits of 198 delinquent girls and boys in our court during 1937 disproves the theory that delinquent children are interested only in gangster pictures," he declares. "The cowboy is a greater hero to the boys than the gangster."

▾ ▾

M. P. T. O. A.'s claim to a larger independent theatre representation within its membership than any other exhibitor organization is not based on any accurate census nor does it have any official figures to support it. The claim, made in the last membership bulletin issued by Ed Kuykendall, M. P. T. O. A. president, is based solely upon unofficial estimates of the theatre holdings of known M. P. T. O. A. and Allies States' members.

M. P. T. O. A.'s own estimates of theatres included in its fold range from 5,000 to 6,000. Of this number 2,000 to 2,500 may be affiliated theatres, leaving a loose estimate of 3,000 to 3,500 independent theatres covered by the remainder of its membership. Allied, itself, has never made public an estimate of the number of theatres which its membership covers. Industry estimates, however, range from 1,500 to 2,500. Because the figures are unofficial, however, they cannot be considered conclusive.

▾ ▾

The Kansas City *Journal*, under new ownership, now has about half the subsequent run theatres there again advertising. Running neighborhood programs under that title in what amounts to a check list, the advertisements are about three-quarter inch, one column.

Eleven Fox Midwest subsequents are advertising, which represents the first space that circuit has bought in the *Journal*, or its predecessor, the *Journal-Post*, since the days when Ace (Easy Aces) was the movie and dramatic critic there. Fox left the *Journal* columns at that time, which was over six years ago, and never returned. The present setup does not bring Fox Midwest's three first runs, Tower, Uptown, and Esquire, back to the *Journal*.

Ever since the depression, the *Journal* has had difficulty keeping suburbans advertising. Independents continued a while after Fox left, but gradually dropped off. At one time they were brought back in under an arrangement whereby the theatres bought space, the *Journal* turned around and spent the money with those theatres for screen advertising. The money represented in this transaction went into the ITO treasury. After independents ceased advertising about three years ago, the *Post* continued to publish daily a list of theatres.

▾ ▾

Andrew W. Smith, Jr., formerly sales manager for United Artists, returned from an extended European trip a few days ago, and just as quietly went down to Golden Beach, Fla., to continue his rest. His plans are not known.

Three Refugees Here Seeking Screen Jobs

Three German refugees, who will arrive today on the *Veendam*, will seek employment with American film companies. They were in the show business in Germany. One, Franz Paul Wisbar, formerly connected with Terra and UFA, will confer with W. Ray Johnston at Monogram about a possible contract before going to Hollywood. The others are Theodor Daniel Bachenheimer, stage manager and director, and Kurt Dry, song writer.

20th-Fox Chicago Lease

Chicago, Nov. 21.—Lease for a $175,000 two-story building to be erected at Wabash Ave. and 13th St. has been signed here by the 20th Century-Fox exchange. Fox Movietone News and Gaumont-British will be co-tenants.

Proceeds of Kirsch Banquet to Charity

Chicago, Nov. 21.—Proceeds of the testimonial dinner to be given Jack Kirsch, president of Allied Theatre Owners of Illinois, on Dec. 2 at the Congress Hotel, will be devoted to the fund for the aid of the needy in the film industry.

The ticket sale for the affair is moving rapidly, according to the arrangements committee.

Deny Metro Suit Plea

Application to examine Jack Bachman, Don Gordon, Jean Hollingsworth, Lena Frederickson and Grace Dobish in Los Angeles before trial of the infringement suit brought by Henry Rose against M-G-M was denied by Judge William Bondy. Rose charges plagarism of his script, "Burrow, Burrow," in the M-G-M short, "Man of the People."

Sheaffer Acquires "U" Voting Shares

Washington, Nov. 21.—Acquisition of 700 Universal Corp. common voting trust certificates by Daniel M. Sheaffer, Philadelphia director, in September was reported tonight by the Securities and Exchange Commission in its semi-monthly summary.

At the close of the month, it was shown, Sheaffer held 15,500 certificates direct and 26,500 through Standard Capital Co. and, also through Standard Capital, 111,283 common voting trust certificate warrants.

The only other transaction in film stocks by officers or directors of film corporations was the disposition by Y. Frank Freeman, New York, vice-president of Paramount, of 600 shares of that company's common stock, his entire holdings in that class, and acquisition, through his wife, of 600 shares of Paramount second preferred stock.

Legion Approves All Of 11 New Pictures

National Legion of Decency for the current week has approved all 11 pictures reviewed and classified, seven for general patronage and four for adults. The new films and their classification follow.

Class A-1, Unobjectionable for General Patronage—"Arrest Bulldog Drummond," "King of the Sierras," "Nancy Drew, Detective," "Paris Honeymoon," "Rhythm of the Saddle," "Sharpshooters," "Submarine Patrol." Class A-2, Unobjectionable for Adults—"The Beachcomber," "Peg of Old Drury," "The Shining Hour," "Singing Blacksmith." "Peg of Old Drury," previously classified as objectionable in part, has been reclassified as unobjectionable for adults after changes.

Brown Warner Manager

Pittsburgh, Nov. 21.—Robert Brown has been promoted from assistant at the Etna to manager of the Ritz in New Kensington, Pa., by Warners. He is the son of Harry Brown, for years manager of the Nixon here.

MOTION PICTURE DAILY
(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

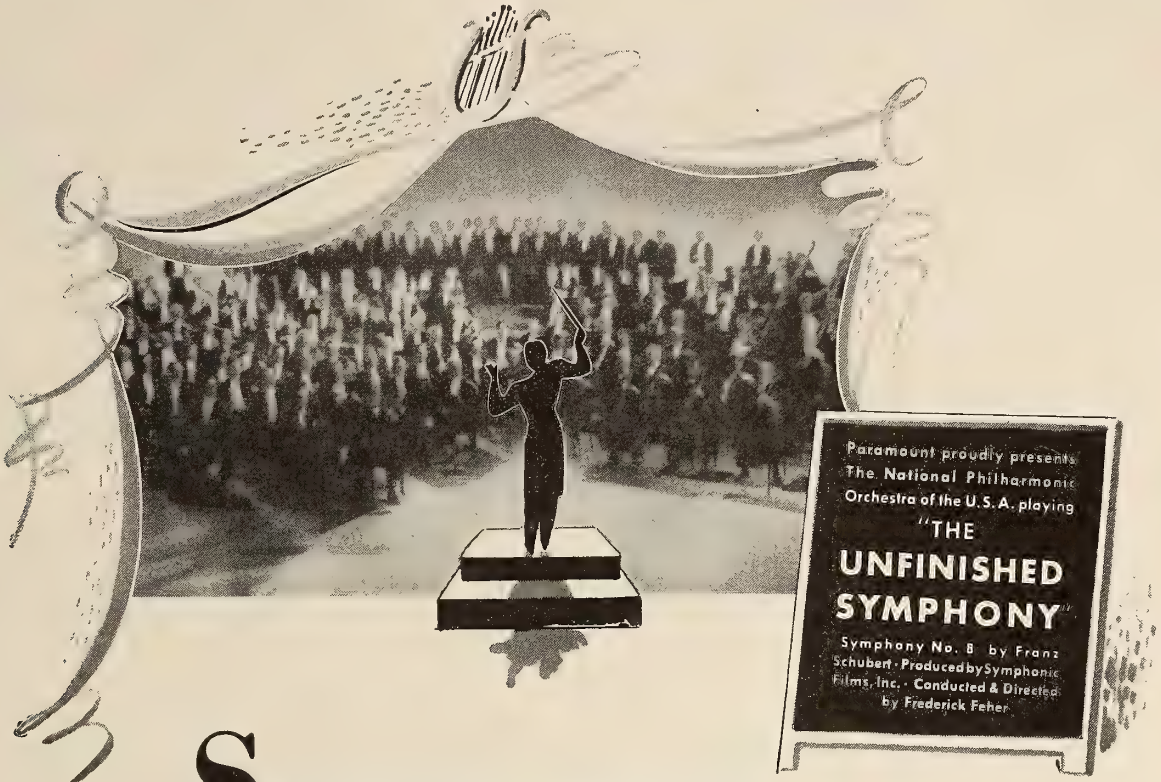
Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco. New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: Motion Picture Herald, Better Theatres, Teatro al Dia, International Motion Picture Almanac and Fame.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.


Paramount proudly presents
The National Philharmonic
Orchestra of the U.S.A. playing
"THE
UNFINISHED
SYMPHONY"
Symphony No. 8 by Franz
Schubert · Produced by Symphonic
Films, Inc. · Conducted & Directed
by Frederick Feher

Success story...

Last spring Paramount, ever ambitious to give the trade the latest and best in short subject ideas, offered the first symphonic short, a thrilling presentation of Wagner's "Tannhaueser" overture, by the famous National Philharmonic Orchestra of 122 pieces, conducted by Frederick Feher. Not only did critics, both trade and national press, write rave reviews of this daring attempt to popularize classical music, the fans positively cheered it.

"The finest applause and comment we have had in some time on any short subject," reported the Paramount Theatre, Los Angeles. "The picture was applauded at the finish." "This splendid subject has received applause after each showing," was the good word from the Denver Theatre. The Orpheum, Ogden, Utah; the New York Paramount, where jitterbugs actually cheered this classic; the Majestic, San Antonio; the Arcadia, Harlingden, Texas; the Arcadia, Tyler, Texas; key city theatres and small towns were unanimous in their approval. Bookers demanded another and quickly . . .

So now Paramount presents in its series of Paragraphics an even-more thrilling classic gem, played by the same glorious orchestra of master musicians. Franz Schubert's "THE UNFINISHED SYMPHONY" (Symphony No. 8), one of the mightiest of all the world's great musical triumphs . . . a short subject which should be on every exhibitor's programme during this fall and winter season when radio has the public most music-minded.

Phila. Dives; "Heart" Good With $11,000

PHILADELPHIA, Nov. 21.—Business took a nose dive. Weather was bad—too summery for this time of year. Best comparative gross was scored by the Earle's $17,500 for "The Gladiator" and its Jimmy Dorsey stage show. "The Young In Heart" took a strong $11,000 at the Aldine.

"The Great Waltz" did $16,000 for nine days.

Estimated takings for the week ending Nov. 18:

"Young in Heart" (U. A.)
ALDINE—(1,300) (40c-55c-65c-75c) 7 days. Gross: $11,000. (Average, $8,160)

"Listen Darling" (M-G-M)
ARCADIA—(600) (25c-40c-55c) 3 days. Gross: $400. (Average, 7 days, $2,800)

"Great Waltz" (M-G-M)
BOYD—(2,400) (40c-55c-65c) 9 days. Gross: $16,000. (Average, 7 days, $14,000)

"The Gladiator" (Col.)
EARLE—(2,000) (25c-40c-55c) 6 days. Stage: Jimmy Dorsey and Band. Gross: $17,500. (Average, $14,000)

"Brother Rat" (F. N.)
FOX—(3,000) (40c-55c-65c-75c) 6 days, 2nd week. Gross: $8,000. (Average, 7 days, $14,000)

"The Citadel" (M-G-M)
KARLTON—(1,000) (25c-40c-55c) 7 days. Gross: $3,300. (Average, $4,000)

"Suez" (20th-Fox)
KEITH'S—(2,000) (25c-40c-55c) 7 days. Gross: $2,800. (Average, $4,000)

"Men With Wings" (Para.)
STANLEY—(3,700) (40c-55c-65c) 4 days, 2nd week. Gross: $4,000. (Average, 7 days, $14,000)

"Girls' School" (Col.)
STANTON—(1,700) (25c-40c-55c) 7 days. Gross: $4,300. (Average, $7,000)

"Boys Town" Leads Montreal, $12,000

MONTREAL, Nov. 21.—"Boys Town" hit the top among Montreal first runs with $12,000 at the Capitol. Third week of "You Can't Take It With You" grossed $6,500 at the Palace. A double bill at the Orpheum, headed by "The Young in Heart," registered $5,000, while "Valley of the Giants," first feature at the Princess, accounted for $5,500. The weather continued mild with a touch of snow.

Estimated takings for the week ending Nov. 19:

"Boys Town" (M-G-M)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: $12,000. (Average, $9,500)

"Rose of the Rio Grande" (Rep.)
LOEW'S—(2,800) (25c-40c-50c) 7 days. Stage: Six vaudeville acts. Gross: $7,000. (Average, $8,000)

"The Young In Heart" (U. A.)
"Touchdown, Army" (Para.)
ORPHEUM—(919) (25c-35c-50c) 7 days. Gross: $5,000. (Average, $5,000)

"You Can't Take It With You" (Col.)
PALACE—(2,600) (25c-40c-55c-65c) 7 days. Gross: $6,500, 3rd week. (Average, $11,000)

"Valley of the Giants" (W. B.)
"Accidents Will Happen" (W. B.)
PRINCESS—(2,272) (25c-35c-50c-65c) 7 days. Gross: $5,500. (Average, $7,000)

Weinstock Acquires Normandie Theatre

David Weinstock and Harry Brandt have leased the new Normandie Theatre on 53rd St. near Park Ave. which was built by Robert W. Goelet at a cost of $200,000. The seller was Philip Smith, Boston theatre operator. The house seats 590. It will be operated as a first run for foreign pictures. Opening is scheduled for Nov. 30.

"Ringside" Opening

"Ringside Seat," a melodrama by Leonard Ide about habitual spectators at murder trials, will open today at the Guild. Rufus Phillips produced the show and directed the staging. The cast includes Grant Mitchell, G. Pat Collins, Roy Roberts, Louise Larabee, Lucia Seger and others. It was formerly known as "Fan Fare."

Grierson to Make Series for Canada

MONTREAL, Nov. 21.—Series of Canadian Government films will be produced by John Grierson, who arrived today from England. Production will be in association with Associated Screen News, the Dominion's sole newsreel.

Grierson has produced many documentary films for British Government departments. He said on arrival that he will aid the Canadian Government in producing "higher grade shorts on life and progress in the Dominion," picturing the country's development. He will also work with private producers. He expects to be here three months, making his headquarters in Ottawa.

He contemplates shorts of Canadian aviation, the MacKenzie River development, mining, lumbering, farming and similar subjects. The films will be offered to theatres, but will be for non-theatrical and home release as well. The British Government will cooperate in obtaining distribution in the United Kingdom.

Grierson will work with F. C. Badgley, director of the Government film bureau, and B. E. Norrish, president of Associated Screen News. He was here several months ago conducting a survey.

U.A. Circuit Board Reelection Expected

Present directors of United Artists Theatre Circuit, Inc., are slated for reelection at the stockholders' annual meeting to be held in Baltimore next Monday. A directors' meeting to be held in New York shortly thereafter, is expected to reelect the present officers.

Officers are: Joseph M. Schenck, chairman of the board and president; Lee Shubert, vice-president; Dennis F. O'Brien, vice-president; William P. Philips, vice-president and treasurer; Bertram S. Nayfack, secretary; A. M. Georger, comptroller.

Directors are: Harry D. Buckley, A. H. Frisch, Joseph H. Moskowitz, Bertram S. Nayfack, Dennis F. O'Brien, Willard V. King, William P. Philips, Joseph M. Schenck and Lee Shubert.

Fee to Roxy Accountant

Barrow, Wade, Guthrie & Co., accountants, have been awarded an additional $2,555 by U. S. District Court Judge Francis G. Caffey for the closing of the operating account of the old Roxy receivership. The work was done at the request of Howard S. Cullman, former trustee.

Col. to Increase '39 Newspaper Ads

NEW ORLEANS, Nov. 21.—Columbia will intensify its newspaper advertising schedules in 1939, Abe Montague, general sales manager, told a quarterly meeting of regional representatives here over the weekend.

With exchange men present from Atlanta, Charlotte, Memphis, Dallas, Oklahoma City and New Orleans, Montague reviewed accomplishments of Columbia for the current year and said the company's program for next year loomed high for exhibitors.

The Columbia sales chief said the company will lay stress on "Plane No. 4," starring Jean Arthur and Cary Grant and directed by Frank Hawks; a series of films based on the comic strip, "Blondie;" the film version of the play, "Golden Boy," and the new picture being directed by Frank Capra now titled "Our Wife."

Lukan Again Heads Washington M.P.T.O.

SEATTLE, Nov. 21.—L. O. Lukan of Seattle was reelected president of the M.P.T.O. of Washington at the 16th annual session here at the New Washington Hotel. The meet was attended by approximately 125 theatre owners of this state, Oregon, Idaho and Alaska.

Other officers are: Milton Kenworthy, first vice-president; Paul Aust, second vice-president; Cecil Gwinn, third vice-president, and James M. Hone, reelected executive secretary and treasurer.

Three new trustees are John Hamrick, Mildred Bishop and Henry Davidson.

Ford Quits Republic To Enter Production

HOLLYWOOD, Nov. 21.—Charles E. Ford, associate producer at Republic, resigned on Friday after less than one year of service at the studio to which he went from the editorship of Universal Newsreel. For a time at Republic he was executive producer in charge of westerns and serials, but recently he took charge of the Roy Rogers westerns as associate producer.

The studio announcement indicated that the parting was amicable and was the result of Ford's desire to enter production on his own. In all, he produced five westerns on the Republic lot.

Haines at Warners Meeting in Toronto

MONTREAL, Nov. 21.—Wolfe Cohen, Warner Canadian district manager, held a conference here yesterday on plans for the forthcoming Sears' drive, which starts Christmas Day.

Attending were Roy Haines, eastern and Canadian sales manager, and branch managers Mickey J. Isman, Montreal; Harry O. Paynter, Toronto, and Lou McKenzie, St. John.

Cohen will hold a similar meeting in Winnipeg on Thursday, attended by branch managers Gordon A. Simmons, Winnipeg; Lou Geller, Calgary, and Joseph Plottel, Vancouver.

"Stablemates" Dual, $8,100 Seattle's Top

SEATTLE, Nov. 21.—"Stablemates," dualled with "Touchdown Army," clicked here at the Fifth Avenue, with $8,100, and was held.

Also continuing is the dual a[illegible]e Orpheum, "The Citadel" and "Listen Darling," which took $6,800. "Suez" took a strong $6,600 in its second week at the Paramount. The weather was cool and rainy.

Estimated takings for the week ending Nov. 18:

"Brother Rat" (F.N.)
"Personal Secretary" (Univ.)
BLUE MOUSE—(950) (30c-40c-55c), 7 days, 2nd week. Gross: $3,700. (Average $4,000)

"Stablemates" (M-G-M)
"Touchdown Army" (Para.)
FIFTH AVENUE—(2,500) (30c-40c-55c) 7 days. Gross: $8,100. (Average, $7,000)

"You Can't Take It With You" (Col.)
LIBERTY — (1,800) (20c-30c-40c-55c), 7 days, 7th week. Gross: $3,950. (Average $5,000)

"The Great Waltz" (M-G-M)
MUSIC BOX—(950) (30c-40c-55c), 7 days, 2nd week. Gross: $3,900. (Average, $4,000)

"The Citadel" (M-G-M)
"Listen, Darling" (M-G-M)
ORPHEUM—(2,450) (30c-40c), 7 days. Gross: $6,800. (Average, $6,000)

"Always in Trouble" (20th-Fox)
PALOMAR — (1,500) (15c-25c-30c-40c), 7 days. Vaudeville headed by Pinky Lee & Co. Gross: $4,950. (Average, $5,000)

"Suez" (20th-Fox)
PARAMOUNT—(3,050) (30c-40c), 7 days, 2nd week. Gross: $6,600. (Average, $6,000)

"Wings" Dual High In Omaha, $10,600

OMAHA, Nov. 21.—"Men With Wings," dualled with "Campus Confessions," soared to $10,600 at the Omaha. The bill was moved to the Paramount for a second week.

"Young in Heart" and "Vacation From Love" opened nicely but had a weak finish for $8,800 at the Orpheum.

Mild weather helped some but competition was presented by Auto Show which drew 4,000 a night.

Estimated takings for the week ending Nov. 17-19:

"Brother Rat" (F. N.)
"Tarnished Angel" (RKO)
BRANDEIS—(1,200) (25c-35c-40c) 7 days. Gross: $6,000. (Average, $4,000)

"Men With Wings" (Para.)
"Campus Confessions" (Para.)
OMAHA—(2,200) (25c-40c) 7 days. Gross: $10,600. (Average, $5,500)

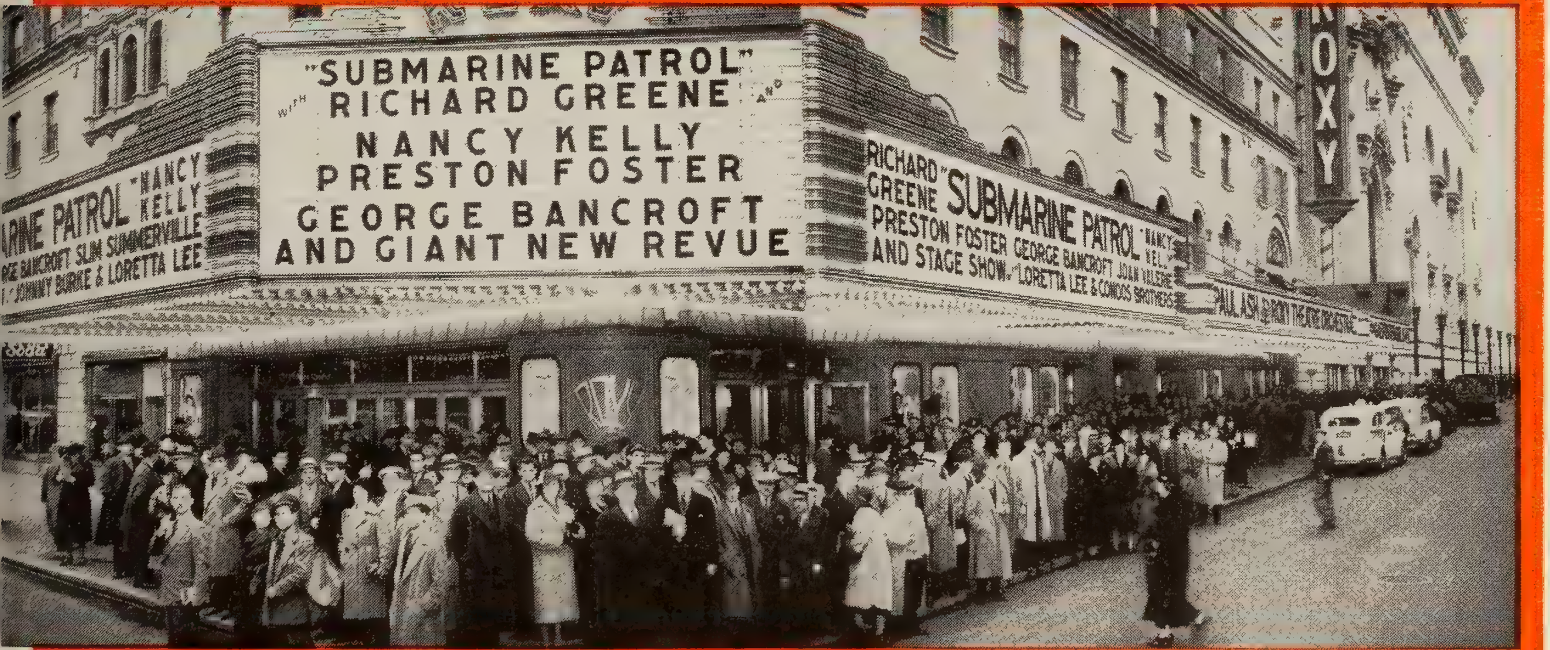
"The Young in Heart" (U. A.)
"Vacation From Love" (M-G-M)
ORPHEUM—(3,000) (25c-40c) 7 days. Gross: $8,800. (Average, $7,200)

"Imitation of Life" (Univ.)
"Slave Ship" (20th-Fox)
PARAMOUNT—(3,000) (15c-25c) 7 days. Gross: $4,700. (Average, $4,500)

Mexico's 2,488 Extras

Mexico City, Nov. 21.—Registered extras in Mexico total 2,488, of whom 540 are women, mostly girls between the ages of 15 and 20. They work on an average of five days a week at a daily stipend of from 60 cents to $1. Many of the extras were stage players who lost out because the screen has about abolished the legitimate down here.

YOU'RE GOING TO HAVE A HAPPY THANKSGIVING IF YOU'VE DATED IN "SUBMARINE PATROL"


"SUBMARINE PATROL"
WITH RICHARD GREENE AND
NANCY KELLY
PRESTON FOSTER
GEORGE BANCROFT
AND GIANT NEW REVUE
RINE PATROL" NANCY KELLY
GE BANCROFT SLIM SUMMERVILLE
JOHNNY BURKE & LORETTA LEE
RICHARD GREENE "SUBMARINE PATROL" NANCY KELLY
PRESTON FOSTER GEORGE BANCROFT JOAN VALERIE
AND STAGE SHOW "LORETTA LEE & CONDOS BROTHERS"
PAUL ASH & ROXY THEATRE ORCHESTRA
ROXY

***HELD OVER** in its two newest pre-release engagements . . .*

ROXY, NEW YORK . . . where it's roaring along to the biggest business on Broadway!

ROOSEVELT, CHICAGO . . . where it's knocking the Loop for a loop!

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

Court Affirms Earlier Stand In G.T.P. Case

(Continued from page 1)

the use made of a device manufactured thereunder after it has passed into the hands of the purchaser and whether "license notice" imposes enforceable restriction on the purchaser as to the use which may be made of the device, holding that in this case amplifiers were not made or sold under patents and were not acquired by the company in "ordinary channels of trade."

Justice Brandeis defended the position of the court on the ground that American Transformer Co., holder of the license, had not been licensed to sell amplifiers for use in theatre equipment and was guilty of infringement when it made and sold amplifiers to General Talking, and latter was also an infringer in buying.

Maintaining the position he took in the original decision, Associate Justice Black contended the license notice in any form could not limit or restrict the use of amplifiers after they were sold and that "knowledge by both vendor and purchaser that articles were purchased for use outside the 'field' for which the vendor had been given the right to sell, made the transaction between them no less a sale."

The dissenting opinion asserted the patent law never was intended to accomplish the results affirmed by the majority opinion and that the court has held frequently that when an article described in a patent is sold and passes into the hands of a purchaser, it is no longer within the limits of patent monopoly.

Republic Franchises All Signed But Two

With Republic's Kansas City franchise owner signed to the new five-year percentage pact, the company has only two distributors not yet signed. These are Arthur Bromberg in Atlanta and Jack Berkowitz in Buffalo and Albany.

H. J. Yates obtained signatures of Robert F. Withers and Clarence A. Schulz of Republic Pictures Midwest Film Distributors during a stopover in Kansas City en route to the coast. This company distributes in Kansas and western Missouri.

Sixteen franchise owners have signed the new agreements, retroactive to last July 1 and calling for an increased percentage to Republic, which will get substantially more revenue thereby.

The old pacts ran to July, 1939, and were cancelled where new agreements were made. The Atlanta and upstate New York distributors are protected by the existing contracts, but will have to meet Yates' terms if they want to continue handling Republic beyond next July.

Kerner to Trinidad

Edgar H. Kerner of Columbia's home office foreign department has been appointed assistant manager of the company's Trinidad branch. He sailed Friday on the *Cottica* to take over his new post.

US Industrial Plan Facing Curtailment

(Continued from page 1)

provision, first, of projectors where needed and then the distribution of industrial films, of which the department has a large library. Additional films would be presented by outside sources and title would pass to the Government, since the essence of the plan is the free transportation of the pictures to the various exhibiting organizations, which can be secured only by Government frank.

Consumer education is the aim of the project, and exhibition would be handled by trade and civic organizations in the cities where the films were shown. Possible use of established theatres, at such times as they are not open for business, is considered, as well as the sandwiching in of Government films as part of the regular program where exhibitors will cooperate.

The idea of national distribution of Government films is by no means new, and in the past several proposals have been offered, but none has ever been put into effect.

May Excuse 12-15 In Anti-Trust Suit

(Continued from page 1)

former head of RKO Pathe News; M. H. Aylesworth, former RKO board chairman; several members of the old RKO board, which has been inactive for more than five years; Charles R. Rogers, former Universal production chief, and Adolph Ramish, Universal board member.

Applications for the elimination of Mary Pickford, Douglas Fairbanks and Charles Chaplin have been made by their counsel on the ground that they have been inactive in company affairs during the past several years.

Johnson Renominated Exch'ge Union Head

Lou Johnson of the Loew exchange has been nominated to succeed himself as president of the Film Exchange Employes' Union. There is no opposition. Leo Brown, Paramount, and John Cronin, 20th Century-Fox, will seek the vice-presidential post. Other nominations are: Dave Newman, Warners, financial secretary-treasurer; Gerard Lee, Loew, corresponding secretary; August Kubart, Loew, and Harry Bernstein, RKO, sergeant-at-arms. The election is set for Dec. 5.

Next Ampa Lunch Dec. 8

Next Ampa luncheon meeting will be held Dec. 8 at the Astor. This week's meeting was called off on account of Thanksgiving. A business meeting for members may be called by the directors for Dec. 1.

Scouts Endorse "Angels"

Endorsement by the Boy Scouts of America of "Angels with Dirty Faces" has been received by Warners. Special campaigns for each local showing of the film have been promised by the scouts.

Canada Gains from New US Trade Pact

(Continued from page 1)

United States, from three cents to two and one-fourth cents per running foot.

The reduced duty on films will go into effect Jan. 1, the effective date of the treaty. Actual abolishment of the special excise tax will not take place until the Canadian Parliament passes the necessary legislation. Parliament is scheduled to convene Jan. 12. With the exception of the special excise tax, there is no major change in tariff or taxation advertising accessories.

The greatest gain in the matter of actual films will be the duty reduction on colored positive prints not made in Canada and on black and white "emergency" positives occasionally imported from the United States. There will be little effect on the cost in Canada of black and white positive films which are made in Dominion laboratories from master negatives brought in from the U. S. for the purpose. All colored prints are imported, however, and the socalled "emergency" prints are the occasional pictures which are required after the master negative has been returned to the U. S. The cost of printing a positive in Canada is three cents per foot while the cost of American-made positive is 4¾ cents per foot in the Dominion. This difference, it is believed, will warrant the continuance of the present procedure of making prints in Canada.

Bernstein, Warner Head Charity Drive

Motion Picture Accessory Division, a sub-committee of the N. Y. and Brooklyn Federation for the Support of Jewish Philanthropic Societies, has organized to assist the federation in its current fund raising campaign. David Bernstein and Albert Warner are in charge of the drive.

B. S. Moss is chairman of the sub-committee, which includes: Eugene Picker, Joe Hornstein, Sam Dembow, Jr., Joe Springer, Samuel Goodman, A. L. Kirwin, Fred Lakeman, Walter Reade, Jr., Max Seligman, I. H. Garretson, Charles B. Moss, Lawrence Morris, Frank Meyer, Harry Nadel, Milton Green, Edward Rugoff, Jerry Loeb, Sam Rosen, Emil Friedlander, George Feinberg, Walter Barber, Charles Sonin, Jack Katsh, Al Suchman, Sam Rinzler, Harry Frisch, Hugh Davis, Jules Catsiff, Harold Rodner, Monroe Stein and William Friedman.

Sue for Short Negative

Theodore Nemeth and Mary E. Bute, doing business as Expanding Cinema, Film Service Laboratories, Inc., and Paul Guffanti were named defendants in a suit filed in the N. Y. Supreme Court by Rutherford Boyd, to recover the negative of "Parabola," a one-reel film dealing with the use of curves in art, which he claimed the defendants were wrongfully withholding. The defendants have counter-claimed for $7,500.

C. F. I. Sets Dividend

Consolidated Film Industries has declared a dividend of 25 cents on the preferred stock, payable Dec. 27 to stockholders of record Dec. 5.

Firms Will Not Compromise With Italians

(Continued from page 1)

31, is suggested by Minister of Popular Culture Alfieri in an interview which appeared in the *Corriere [illegible]lla Séra,* Milan, and gave rise to He[illegible]n's declaration.

Alfieri contended that the projected film monopoly is not political, being dictated, first, by a necessity for limiting the amount of Italian currency to be taken out of the country and, secondly, by Italy's autarchial program, with which, he said, the film measure is consistent.

"All companies have been advised by Italy that the provisions of the monopoly decree are final and that the companies can take them or leave them," Herron said. "No American company is engaged in negotiations with Italy and none has agreed to continue business there after the decree becomes effective."

Companies Also Make Denials

Individual companies added their denials, asserting that their plans to withdraw from Italy at the end of the year were unchanged.

Alfieri said that fixed prices under the monopoly would permit profits to be diverted hereafter to the Italian film industry instead of to foreign concerns.

"We have not committed an act of hostility against the American film companies," Alfieri said. "The proof of this is that the only opposition to the monopoly has been the 'Big Four,' which have declared that they will not accept the system. Other American companies are negotiating with us."

The reference to the "Big Four" is understood to mean Loew's, Paramount, 20th Century-Fox and Warners, which maintain their own distribution systems in Italy.

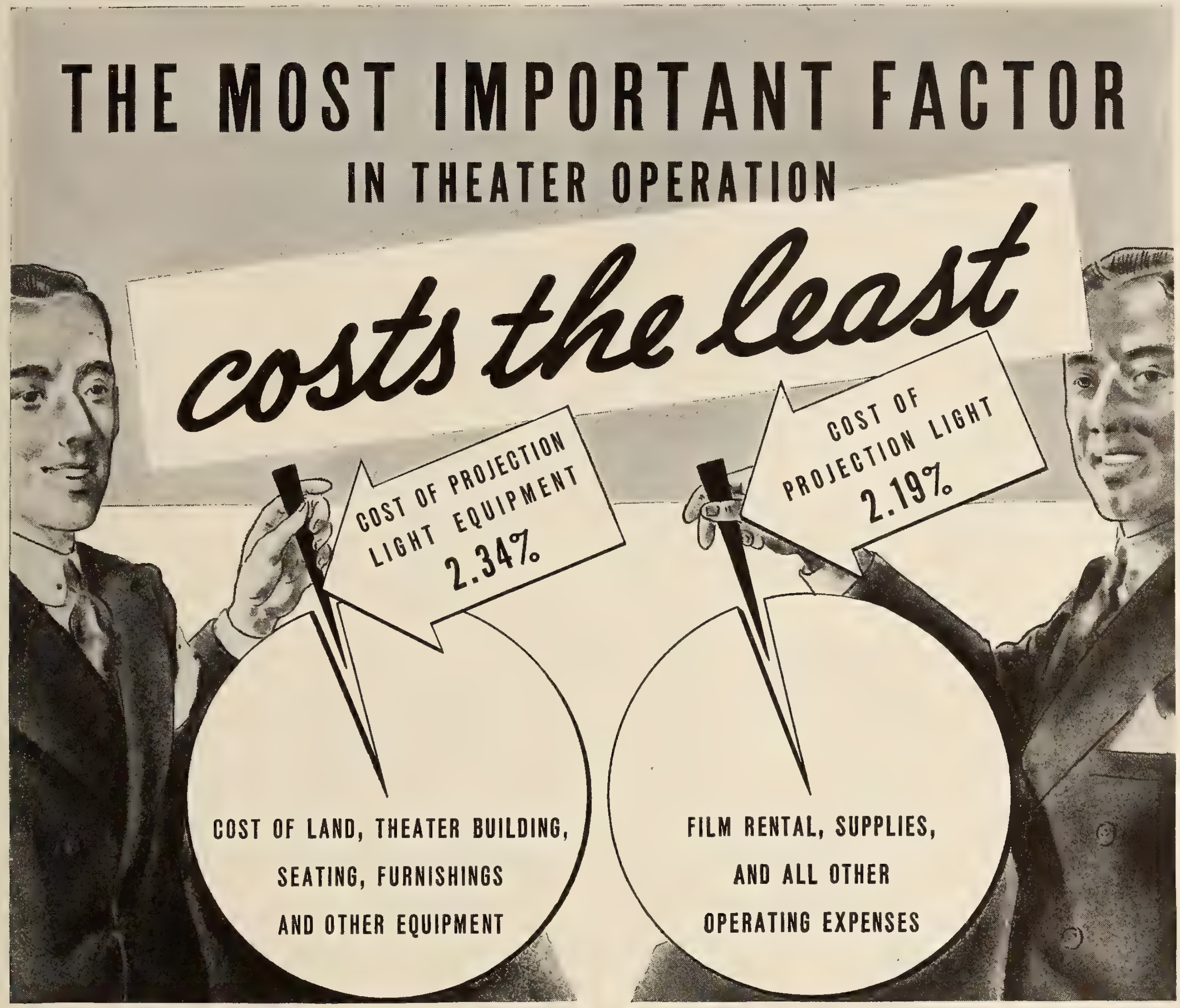
The interview was interpreted by American film men in Rome as an indication that concessions may be made by both the American companies and the Italian Government which might permit the companies to continue operations after the end of the year. It was suggested that the distributors might accept the monopoly with its fixed price principle, while the Italian Government, on its part, might agree to pay higher prices on individual films.

NLRB Hears Kibre Charges on Dec. 1

(Continued from page 1)

given instructions to proceed immediately with the remaining film cases now pending before the board.

Meanwhile, the Screen Writers' Guild has sent registered letters to all producers to point cut that the S. W. G. has been designated sole bargaining agency for the writers and warned that continued negotiations with the Screen Playwrights "are not only illegal under the provisions of the National Labor Relations Act, but also raise additional serious questions as to good faith."


THE MOST IMPORTANT FACTOR
IN THEATER OPERATION
costs the least
COST OF PROJECTION LIGHT EQUIPMENT 2.34%
COST OF PROJECTION LIGHT 2.19%
COST OF LAND, THEATER BUILDING, SEATING, FURNISHINGS AND OTHER EQUIPMENT
FILM RENTAL, SUPPLIES, AND ALL OTHER OPERATING EXPENSES

The entertainment which brings patrons to your theater night after night is, in the last analysis, just a rapidly changing pattern of light and shadow. The film which provides the shadow pattern is rented, but YOU provide the light. The quality and quantity of that light determines the effectiveness with which the picture is presented. The finest story and the most beautiful photography will often fail to please if poorly projected.

Simplified High Intensity projection provides the best projection light available to the average theater today. Yet the required investment is only 2⅓ per cent of the total investment in the average theater and the operating cost only 2⅕ per cent of total operating expense.

It provides the screen brightness and sharp definition desired by that large percentage of your patrons not blessed with perfect vision. It gives the most realistic reproduction of the increasingly popular color features. It permits a comfortable and safe level of general illumination. Ask your dealer to show you the economy of Simplified High Intensity projection.

SIMPLIFIED
High Intensity
PROJECTION
WITH "NATIONAL" "SUPREX" CARBONS
ECONOMICAL AND MODERN

NATIONAL CARBON COMPANY, INC.
Unit of Union Carbide UCC and Carbon Corporation
CARBON SALES DIVISION, CLEVELAND, OHIO
General Offices: 30 East 42nd Street, New York, N. Y.
BRANCH SALES OFFICES: NEW YORK PITTSBURGH CHICAGO SAN FRANCISCO

Copyrighted 1938—National Carbon Company, Inc.

Banner LINES

WMCA's formal disclaimer of remarks regarding Communism and Jews made by Father Charles E. Coughlin over that station on Sunday seems to be a vindication of WHN's apprehension over carrying the radio priest's talks. Originally WHN was to have been the New York City outlet for Father Coughlin's program, but at an eleventh hour before the series commenced, WHN cancelled the contract, and WMCA was secured by the Union of Social Justice, sponsors of the Coughlin program, as its New York station.

This department recollects that it called both stations for explanations of the station switch. At WHN it was said that the station had cancelled the contract for the series following refusal by Father Coughlin to abide by the station's policy of submitting advance copies of his addresses for perusal by the station. WMCA stated that it also had a policy requiring an advance of all text to be broadcast, and that Father Coughlin would not be an exception.

Apparently, however, Father Coughlin was an exception, for the station now states that it has not been receiving advance copies of Father Coughlin's talks.

▼

Sunday seems to be a jinx day for radio. Beginning with the Sabbath upheaval caused by Mae West when she broadcast the "Garden of Eden" skit, we've had in succession the Orson Welles fright, the "Good Will Hour" episode of two weeks ago when a participant incautiously let slip a remark about sex, and now the controversy over Father Coughlin's talk.

▼

Al Simon, WHN publicity director, celebrated a birthday last week, and the presents included 14 of those miniature live turtles, and a gold fish. He's made valiant attempts to give away the turtles, with no takers to be found. Anybody want one?

▼

Andre Baruch, the announcer, recently won a cooking prize, and as a result he's been booked for a guest appearance on a network show. You've guessed it—the program is "The Woman of Tomorrow."

▼

Fendrich Co., cigar makers, sponsoring "Smoke Dreams" on a split NBC network, is cancelling the show Dec. 25. The reason appears on the cancellation order. "Everyone will be overstocked with cigars after Christmas." Necktie sponsors please copy.

—JACK BANNER

Deny Deal for Sale Of Oakland Station

SAN FRANCISCO, Nov. 21.—Denial that a deal is in progress for sale of KROW, Oakland, to Wesley Dumm and Phil Lasky, chief stockholders of KSFO here, has been made by H. P. Drey, general manager of the Oakland station.

Dumm and Lasky, who have been reported negotiating for purchase of the studios for $150,000, have refused to deny or affirm the alleged conversations.

A.F.R.A.-Musicians Montreal Agreement Off After 6 Months

MONTREAL, Nov. 21.—Working agreement which has been in operation six months between the American Federation of Radio Artists' Montreal chapter and the Musicians' Federation of Montreal was broken today when both unions disclosed radio artists had filed notice of "indefinite suspension" with the musicians.

Both are A. F. of L. members. No reasons were given for the split, although the artists are understood to have been dissatisfied since they had to refuse many engagements due to non-union performers being on programs. The A.F.R.A. group, comprising over 90 per cent of Montreal's radio artists, voted almost unanimously for the break.

President Rene Bertrand conferred with Lawrence Tibbett, international president, here last week. Local radio stations never openly recognized either union but the united front during past six months found them much more cooperative.

Clancy Is Appointed WHN Night Manager

Russ Clancy, now chief announcer and operations manager of WHN, has taken over the duties of night manager, replacing Sid Adler, resigned. At the same time other staff changes have been effected with Gerson Alterman resigning to join Associated Orchestras of America.

George DePue, formerly with NBC, has joined WHN to serve as assistant to Clancy, and Ray Katz, assistant to program director Fred Raphael, has been made day operations manager. Ted Schneider, former assistant night manager, has taken over Katz's former duties.

Rand Takes WNEW Time

Remington Rand has placed an order with WNEW for a spot campaign, starting tomorrow. Batten, Barton, Durstine & Osborn placed the account. Additional WNEW business included a contract by Abelsons, Inc., for a participation in the "Make Believe Ballroom" and a contract for five quarter-hour transcriptions per week by Ranald Service, through Federal Transcribed Programs.

Transradio to WKRC

CINCINNATI, Nov. 21.—WKRC, CBS owned and operated station, will augment its present United Press Service with Transradio Press, effective Dec. 1. Transradio will have a rewrite man in the station's newsroom, with two reporters on downtown beats. The new department will be under supervision of Cecil Carmichael, special events director.

Morris Renews "Name"

"What's My Name," audience participation show for the Philip Morris Co. on Mutual, will remain on the networks via a renewal just placed by Biow & Co. The agency had been seeking to replace "What's My Name" with another show, but after listening to a number of suggested replacements, decided to continue the present show.

▶ Radio Personals ◀

VINCENT LOPEZ, Del Casino, Barry Wood, Dick Todd and Betty Hutton have been engaged to make a Paramount short. . . . Jim Fleming is new CBS announcer here, coming to New York from Chicago. . . . Leith Stevens, Les Leiber, Nan Wynn and Billy Hackett, of the CBS "Swing Session" were at Warners' Brooklyn studios yesterday making a short. . . . Carl Frank, announcer on "Good Will Hour," "Your Family and Mine" will be married on Saturday to Barbara Weeks.

✚

San Francisco

Al Hunter of KFRC's news department married to Catherine Murphy, non-professional. . . . New entranceway has been installed at KYA, where the studios have been redecorated. . . . A new weekly educational feature is on KSFO Saturday mornings, in cooperation with the school department. It's titled "Vocation and Avocation."

✚

Pittsburgh

Red French, Solly LaPerche, Klorman Schmidt and Tommy Tarshis have left town to join Happy Felton's new band. . . . Jerry Mayhall has been signed to do special arrangements for Maurice Spitalny's staff band at KDKA. . . . Darrell V. Martin, of the Pittsburgh *Post-Gazette,* celebrated his 15th anniversary as a radio editor last week. . . . Dorothy Devlin is now doing a sponsored news broadcast for women every morning on WWSW. . . . KDKA has signed the Kilbuck Theatre Players to present a 15-minute playlet once a week. . . . Bill Beale is writing KDKA's daily "Movie Magazine of the Air" on KDKA in addition to delivering it himself on the air.

✚

Des Moines

Joe Miller of St. Louis has been added to the continuity staff of KRNT-KSO. . . . Mabel Hoddicker has been named assistant to Mary Little, radio editor of the *Register and Tribune,* replacing Mrs. Wayne Varnum, resigned. . . .Duane Peterson has been appointed assistant treasurer of the Iowa Broadcasting System. He replaces Robert Tincher, who left to become manager of WNAX, Yankton, S. D. . . . Edward Truman, a pianist and singer featured daily over KRNT, has replaced Wayne Sprague in the music library of KRNT-KSO. . . . Rowland Peterson has been added to the promotion staff of KSO-KRNT.

G. N. Signs Fletcher

"Tex" Fletcher, for the past six years on WOR-Mutual broadcasting a "cowboy" singing series, has been signed by Grand National to star in six westerns. He will leave for Hollywood on Dec. 1, when his radio programs will be discontinued.

World Takes "Web"

World Broadcasting System has purchased radio rights to "The Spider's Web" from Columbia Pictures, which produced it as a screen serial. Stewart Sterling of the Eno "Crime Clues" series will write the air adaptations.

FCC Calendar

WASHINGTON, Nov. 21.—Federal Communications Commission has set the following hearings:

Nov. 22: Applications of McComb Broadcasting Corp. for a 1,200-kilocycle, 100-watt daytime station at McComb, Miss.; Pee Dee Broadcasting Co., for a 1,200-kilocycle station at Florence, S. C., with 100 watts night, 250 watts day, and W[illegible]S, Florence, S. C., for extension of time from day to unlimited.

Nov. 23: Application of WPG, Atlantic City, for authority to move studio from Atlantic Ctiy to New York, and increase time from specified hours to unlimited.

Commission has ordered oral argument to be heard Dec. 1 on the contesting applications for a new broadcasting station at Pontiac, Mich., of King-Trendle Broadcasting Corp., 1,440 kilocycles, 250 watts, unlimited time; Pontiac Broadcasting Co., 1,100 kilocycles, 1,000 watts, day only, and George B. Storer, 600 kilocycles, 500 watts night, 1,000 watts day, unlimited time.

The commission also will hear oral argument on the same date on the applications of the Asheville *Daily News* for a 1,370-kilocycle, 100-watt station at Asheville, N. C.

Examiners' hearings were ordered for Jan. 9 on the applications of Lawrence J. Heller for a 1,310-kilocycle station at Washington, with 100 watts night, 250 watts day; KGNO, Dodge City, Kan., for increase of power from 250 to 500 watts, and WJRD, Tuscaloosa, Ala., for extension of time from day to unlimited with 100 watts night, 250 watts day.

Other hearings scheduled:

Jan. 18: on the application of WJBW, New Orleans, for extension of time from sharing to unlimited, and for Feb. 15 on the application of the Gateway Broadcasting Co., for an 880-kilocycle, 500-watt station at Louisville.

Cook Series to Emmett

Newell-Emmett agency yesterday was appointed to service the Thomas Cook travel bureau account, and to produce the forthcoming series for the agency, which begins on NBC Dec. 18 with Malcolm LaPrade featured in travel talks.

To Move KQW Antenna

SAN FRANCISCO, Nov. 21.—Engineering tests to determine a new location for KQW's transmitter are being conducted by technical experts for the San Jose station, in the outlying valley area. A new transmitter of 5,000 watts power will be built shortly after the first of the year.

Adell Joins Weed Co.

Charles M. Adell has joined the staff of Weed & Co., special representatives, and has been placed in charge of the company's office in Chicago. Adell formerly was with NBC and RCA.

Lord Show Touring

Phil Lord's "Gang Busters" series will make a personal appearance Nov. 25, at the Earle, Philadelphia.

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

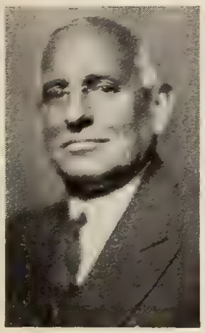
First in
Film and
Radio News
Brief,
Accurate
and
Impartial

OI. 44. NO. 102 NEW YORK, WEDNESDAY, NOVEMBER 23, 1938 TEN CENTS

Trade Pledges $225,000 to NY Federation

ndustry Will Increase Quota This Year

Members of the motion picture and heatrical committee of the New ork-Brooklyn Federations of Jewish harities campaign pledged hemselves to aise a quota of 225,000 at a uncheon meeting at the Hotel Astor yesterday. The campaign, which is under vay, ends Jan. 1.


David Bernstein

The goal exceeds by $45,000 the largest um ever raised by the amusement division of he Federation. Last year collections were $180,000.

Louis K. Sidney will head a Hollywood committee. Contributions made in Hollywood will be credited to the local committee's quota.

Albert Warner

The campaign will be conducted through a series of meetings for each of the 17 sub-divisions in which the committee is divided.

B. S. Moss reported that he had already organized the accessories field, and William Morris, Jr., states

(Continued on page 6)

Gillespie to Handle Sousa Film Rights

Exclusive selling rights to the life of John Philip Sousa, famous American march king, have been awarded to James F. Gillespie, who will represent the widow of the late band master in all matters pertaining to the screening of Sousa's career.

The deal was negotiated through W. Herbert Adams, attorney for the Sousa estate. Gillespie plans to submit the title, "The Stars and Stripes

(Continued on page 6)

Paramount to Drop "Zukor Presents"

The familiar leader line on Paramount productions—"Adolph Zukor Presents"—will disappear after Jan. 1. Line has appeared on company productions for more than a decade.

Decision to eliminate the line follows Zukor's transfer to London to head the company's European operations. Zukor, who continues as chairman of the Paramount board, will arrive in New York from the coast Monday and plans to sail for London Dec. 2.

Bernerd With GN; Warner Sells His F. A.

Grand National turned over yesterday. It got itself a new producing company instead of Fine Arts (Franklyn Warner). Now it proposes not only to produce eight quota films in England but also to set up its own distributing system there, under Jeffery Bernerd and Edward R. Russell.

The new producing arm of the firm takes over substantially all of Fine Arts' assets and commitments. These commitments are 22 features for G.N. Franklyn Warner's plans are not known.

That's how some of the dispute between E. W. Hammons, president of Grand National and Franklyn Warner, who headed Fine Arts, has been settled.

Russell, who has been associated with the old Educational company (Hammons) for 18 years, was that firm's managing director in England. Bernerd, of course, as the trade has been aware, is the former head of

(Continued on page 6)

RKO OUT OF 77B BY END OF YEAR

Royal Says N.B.C. Controls Writers For Its Protection

WASHINGTON, Nov. 22. — John Royal, vice-president of NBC, in charge of programs, from the witness stand at the FCC's monopoly hearings, today, asserted the reason that NBC asks writers to sign waivers on material was self-protective to avert plagiarism suits against the firm, and not for purposes of securing a monopoly and control of writers.

Additional developments in radio are found on page 8.

Royal's testimony completed several days' examination of various NBC officials, including David Sarnoff, head of RCA, first witness in the inquiry.

Royal asserted that while NBC insists that certain religious, educational and public affairs sustaining programs be carried by all stations which it owns or operates, local managers of those stations are free to refuse other sustaining programs in favor of features of more local interest. Over the affiliated stations, however, NBC exercises no control, he said, and such stations are free either to accept or

(Continued on page 8)

UA Hires 23 Special Exploiters on Films

United Artists sent 23 exploitation men into the field yesterday to handle 'The Young in Heart" and "The Cowboy and the Lady." The men and their assignments follow.

On "The Young in Heart" are: Don Prince, Atlanta; Louis Ramm,

(Continued on page 7)

Final Decision of Bondy Expected at Next Hearing Dec. 2

Federal Judge William Bondy at yesterday's hearing on RKO indicated that he might dispose definitely of the RKO reorganization situation by Dec. 2 the date of the next hearing. This is the first time that the court has been any wise definite on the matter, so that all interested parties are very hopeful that the company finally may emerge from 77B shortly.

Apparently Judge Bondy is deeply concerned about the delays which have been occasioned in the situation, because he asked the parties to be patient for an additional 10 days, duration of the postponement of the hearing.

"I am considering every argument against the plan fully," the court said, "and I am examining the Special Master's (George Alger) report to see how the master disposed of these arguments."

But the judge refused to indicate whether his decision to dispose of the

(Continued on page 6)

Broadway Grosses In General Slump

Jitterbugs are giving Larry Clinton a hand at the Paramount on mornings but the night business for "Arkansas Traveler" is not what it might be, and, as a whole, Broadway

(Continued on page 6)

U. S.—Greece Sign Commercial Treaty

Washington, Nov. 22.—Negotiation of a provisional commercial agreement with Greece was announced today by the U. S. State Department, under which it is agreed that if either country imposes quotas or import controls, goods from the other country shall not be discriminated against.

Effect of the "most favored nation" treaty will be to insure fair treatment to American films under any control system which Greece may adopt during the life of the agreement.

Warner-Cosmopolitan Releasing Arrangement Will Be Extended

Warners' releasing arrangement with Cosmopolitan Productions will be extended for a period of years, probably on the present basis of releasing six pictures a year under the Cosmopolitan label, according to Ed Hatrick, head of the Hearst film interests.

Hatrick returned early this week from coast conferences on the matter. The new agreement is not entirely set, but conferences will be resumed when Harry M. Warner recovers from his illness.

The present pact, which expires at the end of this year, will be completed when Warners deliver two more pictures. One is scheduled for January release and the other in February.

◂ Purely Personal ▸

JACK L. WARNER will be a *Normandie* arrival tomorrow. He will remain in New York until Dec. 3 for conferences with GRADWELL L. SEARS, MAJOR ALBERT WARNER and S. CHARLES EINFELD on campaigns for forthcoming Warner product.

•

LOUIS PHILLIPS of the Paramount legal department is in Chicago to assist with preparations for trial of the Government contempt action there against B. & K. and major distributors.

•

GEORGE FRIEDL, JR., director of sound engineering for International Projector, has left for the coast to consult with producers on sound problems.

•

RUSSELL BELL of Monogram is recovering at his home in Ossining from injuries sustained in an auto collision last Saturday at Dobb's Ferry.

•

JACK H. LEVIN, general manager of the Copyright Protection Bureau, is in the field checking with exchanges. He is expected back in a week.

•

SID LUCKMAN, Columbia U. football star, will present a trophy to Erasmus High at Loew's Kings Theatre, Brooklyn, Monday night.

•

VINCENT PRICE, Universal player, has arrived here for a short vacation and will return to the studio shortly.

•

Y. FRANK FREEMAN will leave for the coast Monday to take over his new post at the Paramount studio.

•

JACK SKIRBALL, Grand National production manager, will leave for the coast early next week.

•

FRANKLYN WARNER plans to return to Hollywood tomorrow or Friday.

•

DAVID O. SELZNICK plans to leave for the coast Saturday.

Insiders' Outlook

DOWNTOWN firm of Dwight, Harris, Koegel & Caskey, is now counsel to Samuel Goldwyn. The firm of Schwartz & Frohlich has broken with Goldwyn. Schwartz & Frohlich continue their interest in United Artists, however, as counsel to the company, and also as counsel for Charles Chaplin, Alexander Korda and Maurice Silverstone. The change was due to a conflict of interest, apparently. Other counsel for U. A. is O'Brien, Driscoll & Raftery, who also represent Mary Pickford and Douglas Fairbanks.

▼ ▼

German refugee relief will benefit from the proceeds of a special preview showing of "Pygmalion" at the Astor next Wednesday night, a day before the film opens at the theatre for a regular run. Nicholas M. Schenck has issued invitations for the performance. Proceeds will be divided among the American Jewish Joint Distribution Committee, American Committee for Christian German Refugees, Committee for Catholic Refugees from Germany and the American Friends Service Committee.

▼ ▼

Broadway producers are undecided whether Hays office play reviewers should be placed on the pass list. For the past several years members of the Production Code Administration's eastern staff have been catching the new Broadway productions on tickets purchased at box-office prices. This season, the producers received a request from Carl E. Milliken, M. P. P. D. A. secretary, for pass privileges for the reviewers.

Francis S. Harmon, Dr. James Wingate and Vincent Hart are the M. P. P. D. A.'s stage scouts. After catching the new shows they submit straight reportorial reviews to member film companies for whatever guidance they may be in the matter of a purchase of film rights. The producing managers, apparently, are unable to decide whether this service is worth a couple of aisle seats to themselves.

▼ ▼

Decision in the "Letty Lynton" infringement suit, which is due to be rendered in the next few weeks, is expected to be a guide for future copyright cases on the question of damages. The authors, Edward Sheldon and Margaret Ayer Barnes, claim that they are entitled to all profits earned through the distribution and exhibition of the film, after the deduction of expenses.

Defense briefs hold not only that all expenses should be deducted, but goes further and asks that profits be apportioned, and point out that the story is only one part of the many elements which go to make up a completed picture. Without stars, direction, technical help, organizational set up and the like, no film story could earn any money. Additionally, on the exhibition side, good will, stage shows, advertising and management contribute much to profits.

In the case of patent infringements, it is held customary to apportion profits according to the value of the contribution of the infringing article.

Whether this definition of the defense will be applied to this copyright case remains to be seen. Whatever the decision by Federal Judge Vincent L. Leibell, an appeal is likely by one side or the other and a final ruling will probably result.

Producing in East Boosted By Atlas Cash

William K. Howard boosts eastern production. Equipment and talent are here and other conditions are as suited as in Hollywood, in the opinion of this director, now completing "Frankie," at the Eastern Service Studios, Long Island City.

Howard is over his budget on the picture which has been financed by Atlas Corp. (Floyd Odlum), but looks to be completed this week. The film was to have come in at $250,000 but will probably hit $400,000, before it is finished. Odesso Productions is the corporate name of Howard's producing firm.

With Dudley Murphy, who also has some Atlas money behind him on "one-third of a nation," produced also at E.S.S., Howard's activity is giving production in the east quite a boom.

Howard calls New York the greatest talent spot in the world, with new faces cropping up here all the time, which makes it so apart from Hollywood.

Wallace Ford plays the chief role in "Frankie," and the cast includes Stuart Erwin, Aline McMahon, Patricia Ellis, Bert Frohman and George Lewis.

Ed Dubinsky Is Here To Spend the Holiday

Ed Dubinsky of Kansas City is here with his wife and daughter on a visit. Tomorrow his son, Stanley, who is attending the Wharton School of Finance, Philadelphia, will arrive and there will be a Thanksgiving reunion.

Dubinsky at one time was a Paramount theatre partner in the Kansas City area. Now the Dubinsky brothers, Ed, Barney, Irving and William, operate 22 theatres, one in downtown Kansas City. They recently opened a house in Leavenworth, Kan., making three Dubinsky theatres in the town.

Musician Wage Fight In Phila. Spreading

PHILADELPHIA, Nov. 22.—Dispute between stage show houses and the Philadelphia musicians' union over employment terms is spreading and may result in the closing of Warners' Earle Dec. 2. Notice has been given to employes subject to a possible settlement with the union prior to that date.

The contract dispute originated at the Fox several weeks ago and has since spread to other stage show houses here.

No Paper Thursday

***Motion Picture Daily* will not publish on Thursday, Nov. 24, which is Thanksgiving Day.**

THE MERCURY

GIANT
SKYSLEEPERS

OVERNIGHT TO LOS ANGELES

Fly the Southern SUNSHINE route overnight to Los Angeles. Through service. No change of planes. Giant SKYSLEEPERS. Complimentary meals served by stewardesses.

Mercury	*Southerner*
Lv. 5:10 p. m. (*only 3 stops*)	Lv. 9:00 p. m. (*only 5 stops*)

***FOR RESERVATIONS:* Call Your Travel Agent or VANderbilt 3-2580. Ticket Offices: 45 Vanderbilt Ave., and Rockefeller Center, 18 W. 49th St.**

AMERICAN AIRLINES *Inc.*

The "OVERLAND FLYER" to LOS ANGELES

Deluxe United Mainliner Sleeper

★ Latest Sleeper departure — 11:45 p. m. Arrive Hollywood in mid-afternoon. Luxurious, quiet, fewest stops. Or take United's famed "Continental" Sleeper. Lv. 5:20 p.m., ar. 9:25 a.m. Reservations: 58 E. 42nd St., MU 2-7300. Or travel bureaus, hotels.

UNITED AIR LINES
The Main Line Airway

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

"Stablemates" $34,000; 'Suez' $17,000 in Hub

BOSTON, Nov. 22.—"Stablemates" and "Listen, Darling," led the town w[illegible] $34,000 at Loew's State and Orpheum.

"Brother Rat" and "Five of a Kind," in a second week at the Paramount and Fenway, garnered $13,000. "Suez," combined with "Torchy Gets Her Man," at the Metropolitan, took $17,000.

Estimated takings for the week ending Nov. 19:

"Brother Rat" (W.B.)
"Five of a Kind" (20th-Fox)
FENWAY — (1,382) (25c-30c-40c-55c), 7 days, 2nd week. Gross: $5,000. (Average, $4,500)

"Stablemates" (M-G-M)
"Listen Darling" (M-G-M)
LOEW'S ORPHEUM — (2,907) (25c-35c-40c-55c). Gross: $19,000. (Average, $12,000)

"Stablemates" (M-G-M)
"Listen Darling" (M-G-M)
LOEW'S STATE—(3,537) (25c-30c-40c-55c). Gross: $15,000. (Average, $11,000)

"Suez" (20th-Fox)
"Torchy Gets Her Man" (W.B.)
METROPOLITAN — (4,332) (25c-30c-40c-55c), 7 days. Gross: $17,000. (Average, $11,000)

"Brother Rat" (W.B.)
"Five of a Kind" (20th-Fox)
PARAMOUNT—(2,097) (25c-30c-40c-55c), 7 days, 2nd week. Gross: $8,000. (Average, $8,000)

"Mad Miss Manton" (RKO)
"Man To Remember" (RKO)
RKO MEMORIAL — (2,709) (25c-30c-40c-55c), 7 days. Gross: $14,000. (Average, $13,000)

"Rat" Dual Leads New Haven, $9,100

NEW HAVEN, Nov. 22.—"Brother Rat" and "Torchy Gets Her Man" was high at the Roger Sherman taking $9,100. "Men with Wings" and "The Higgins Family" took $7,000 at the Paramount. Second week of "The Citadel" and "Listen, Darling" at the College grossed $3,500.

"The Great Waltz" and "Young Doctor Kildare" did an average $8,000 at Loew-Poli.

Estimated takings for the week ending Nov. 18:

"The Citadel" (M-G-M)
"Listen, Darling" (M-G-M)
COLLEGE—(1,499) (35c-50c) 7 days, 2nd week. Gross: $3,500. (Average, $2,500)

"The Great Waltz" (M-G-M)
"Young Doctor Kildare" (M-G-M)
LOEW-POLI—(3,040) (35c-50c) 7 days. Gross: $8,000. (Average, $8,000)

"Men With Wings" (Para.)
"The Higgins Family" (Repub.)
PARAMOUNT—(2,348) (35c-50c) 9½ days. Gross: $7,000. (Average, $4,400)

"Brother Rat" (W. B.)
"Torchy Gets Her Man" (W. B.)
ROGER SHERMAN—(2,200) (35c-50c) 7½ days. Gross: $9,100. (Average, $4,700)

Manages Dickinson Unit

KANSAS CITY, Nov. 22.—A. C. Dumont, formerly at Rock Island, Ill., is manager of the new Dickinson in Johnson County, Kan., near Kansas City. The house is a unit in Glen W. Dickinson Theatres, Inc.

Dizzy Dean to Appear

CHICAGO, Nov. 22.—Dizzy Dean, star pitcher, will appear at the RKO Palace beginning Friday. Bob Elson, sports announcer for Mutual, will assist him on the stage.

Jean Is Annoyed

Quebec, Nov. 22.—An irate Frenchman is apt to descend on the Paramount publicity department one of these days and mow 'em down.

The annoyed gentleman is Jean Marion, film editor of *L'Evenement - Journal,* big French language daily here, and the cause of his annoyance is the Paramount insistence on putting "Miss" in front of his name on mailed press releases.

"Stablemates" Big $22,000; "Storm" $18,000 in Frisco

SAN FRANCISCO, Nov. 22. — Although total first run business slumped, the Fox drew $22,000 with a twin bill of "Stablemates" and "Road to Reno."

Hollywood stars on opening night helped boost "The Storm" to $18,000 at the Golden Gate.

Estimated takings for the week ending Nov. 15-18:

"The Storm" (Univ.)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days. Stage: vaudeville. Gross: $18,000. (Average, $16,000)

"There Goes My Heart" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c-65c) 5 days, 3rd week. Gross: $4,000. (Average, $7,000)

"Girls' School" (Col.)
"The Lady Objects" (Col.)
ORPHEUM—(2,440) (15c-35c-40c-55c), 7 days. Gross: $6,700. (Average, $8,500)

"Suez" (20th-Fox)
PARAMOUNT—(2,740) (15c-35c-40c-55c-75c) 7 days, 2nd week. Gross: $10,000. (Average, $13,000)

"Stablemates" (M-G-M)
"Road to Reno" (Univ.)
FOX—(5,000) (15c-35c-40c-55c-75c), 7 days. Gross: $22,000. (Average, $17,000)

"The Sisters" (W. B.)
"The Sharpshooters" (20th-Fox)
ST. FRANCIS—(1,400) (15c-35c-40c-55c-77c) 7 days, 3rd week. Gross: $5,000. (Average, $7,000)

"Just Around the Corner" (20th-Fox)
"Torchy Gets Her Man" (W. B.)
WARFIELD—(2,680) (15c-35c-40c-55c-75c) 7 days. Gross: $9,500. (Average, $13,000)

"Grand Illusion" (World)
CLAY—(400) (15c-35c-40c) 7 days, 2nd week. Gross: $1,350. (Average, $1,300)

"Moonlight Sonata" (U. A.)
LARKIN—(390) (15c-35c-40c) 7 days, 4th week. Gross: $1,000. (Average, $1,300)

'School' 'Suspicion' $8,200 in Buffalo

BUFFALO, Nov. 22.—"Girls' School" and "Under Suspicion" drew $8,200 at the Lafayette to lead the town. At the Century, "Garden of the Moon" and "Girls on Probation" took a strong $7,200. "Suez," at the Buffalo, grossed well with $13,800.

Estimated takings for the week ending Nov. 19:

"Suez" (20th-Fox)
BUFFALO — (3,000) (30c-55c), 7 days. Gross: $13,800. (Average, $12,000)

"The Sisters" (W.B.)
GREAT LAKES—(3,000) (30c-50c), 9 days. Gross: $9,300. (Average, 7 days, $7,500)

"Just Around the Corner" (20th-Fox)
HIPPODROME—(2,500) (25c-40c), 7 days. Gross: $5,400. (Average, $6,800)

"Garden of the Moon" (W.B.)
"Girls on Probation" (W.B.)
CENTURY—(3,000) (25c), 7 days. Gross: $7,200. (Average, $6,000)

"Girl's School" (Col.)
"Under Suspicion" (Col.)
LAFAYETTE — (3,300) (25c), 7 days. Gross: $8,200. (Average, $6,300)

"Heart," $14,000 Cincinnati's High

CINCINNATI, Nov. 22. — "There Goes My Heart" did $14,000 at the RKO Albee for the heaviest take of the week, and was moved to the RKO Capitol.

"Men With Wings" took $10,400 landing at the RKO Palace, and is playing a holdover stanza at the RKO Lyric. "Stablemates" did well at $2,750 on its fourth downtown week at the RKO Grand.

Estimated takings for the week ending Nov. 17:

"There Goes My Heart" (U.A.)
RKO ALBEE — (3,300) (35c-42c), 7 days. Gross: $14,000. (Average, $12,000)

"Men With Wings" (Para.)
RKO PALACE—(2,700) (35c-42c), 7 days. Gross: $10,400. (Average, $10,000)

"Drums" (U.A.)
RKO SHUBERT—(2,150) (35c-42c), 7 days, 2nd week. Gross: $5,000. (Average, $12,000)

"The Great Waltz" (M-G-M)
RKO CAPITOL—(2,000) (35c-42c), 7 days, 2nd week. Gross: $5,750. (Average, $6,500)

"Suez" (20th-Fox)
RKO LYRIC — (1,400) (35c-42c), 7 days, 2nd week. Gross: $4,000. (Average, $6,500)

"Stablemates" (M-G-M)
RKO GRAND—(1,200) (25c-40c), 7 days, 4th week. Gross: $2,750. (Average, $2,750)

"Renegade Ranger" (RKO)
(3 days)
"Night Hawk" (Republic)
(2 days)
"Mysterious Rider" (Para.)
(2 days)
RKO FAMILY—(1,000) (15c-25c). Gross: $2,300. (Average, $2,450)

"Service DeLuxe" (Univ.)
KEITH'S—(1,500) (35c-42c), 7 days. Gross: $2,800. (Average, $6,500)

Pitt Droopy Except "Citadel" at $21,000

PITTSBURGH, Nov. 22.—Business was spotty here last week with "The Citadel" drawing heaviest, $21,200 for a neat surprise and giving it at least another week downtown at the Warner.

"Suez," playing a second week at the Alvin and "Drums" with the umpteenth Major Bowes unit to play here, at the Stanley held close to house averages. The Dionne Quintuplets film had a fair week at the Fulton but the Warner was way off with a mediocre double bill.

Estimated takings for the week ending Nov. 17:

"The Citadel" (M-G-M)
LOEW'S PENN—(3,440) (25c to 60c) 7 days. Gross: $21,200. (Average, $14,000)

"Suez" (20th-Fox)
HARRIS ALVIN—(2,200) (25c to 50c) 7 days. Second week. **Gross:** $7,200. (Average, $7,500)

"Five of a Kind" (20th-Fox)
FULTON—(1,750) (25c to 40c) 6 days. Gross: $5,300. (Average, 6 days, $5,400)

"Drums" (U. A.)
STANLEY—(3,750) (25c to 60c) 7 days. Major Bowes Unit on stage. Gross: $14,000. (Average, $15,800)

"Vacation From Love" (M-G-M)
"Girls on Probation" (W. B.)
WARNER—(2,350) (25c to 40c) 7 days. Gross: $3,250. (Average, $4,000)

Davis-Col. Appeal Set

Argument of an appeal by Columbia Pictures was set for Jan. 3 by the Appellate Division of the New York Supreme Court in the stockholder suit brought by Betty Davis. At the same time Columbia's time to answer the complaint was extended until after the determination of the appeal. Columbia's contention that the complaint was defective was overruled by Justice Charles B. McLaughlin last spring.

Gypsy Lee and "Service" Top Loop, $24,400

CHICAGO, Nov. 22. — Gypsy Rose Lee plus "Service Deluxe" topped the Loop with $24,400 at the Palace. "Suez" in a second week at the Chicago did an excellent $33,000.

Cold weather, the first of the year, had some effect on business. Other attractions that did fairly well were "Broadway Musketeers" at the State-Lake and "Citadel" at the United Artists.

Estimated takings for the week ending Nov. 15-19:

"The Sisters" (W. B.)
APOLLO—(1,400) (35c-55c-65c) 7 days. Gross: $6,000. (Average, $6,500)

"Suez" (20th-Fox)
CHICAGO—(4,000) (35c-55c-75c) 7 days, 2nd week. Stage: Frankie Masters and Band. Gross: $33,000. (Average, $32,000)

"Service De Luxe" (Univ.)
PALACE—(2,500) (35c-55c-75c) 7 days. Stage: Gypsy Rose Lee and Revue. Gross: $24,000. (Average, $19,000)

"Broadway Musketeers" (W. B.)
STATE-LAKE—(2,776) (20c-30c-40c) 7 days. Stage: Verne Buck and Revue. Gross: $12,800. (Average, $13,000)

"Dark Rapture" (Univ.)
"Time Out For Murder" (20th-Fox)
GARRICK—(900) (30c-40c-50c) 7 days. Gross: $5,500. (Average, $6,500)

"Brother Rat" (W. B.)
ROOSEVELT—(1,300) (35c-55c-75c) 7 days, 2nd week. Gross: $9,600. (Average, $11,000)

"Citadel" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days, 2nd week. Gross: $12,400. (Average, $15,000)

Wash. Strong with "King" at $16,800 'Traveler' $19,200

WASHINGTON, Nov. 22. — "If I Were King" at Loew's Palace returned the highest gross of the week, $16,800.

Stage appearance of Ted Lewis helped lift "Arkansas Traveler" into the profit class at Warners' Earle. "Brother Rat" and "Stablemates" also showed well in the second week.

Estimated takings for the week ending Nov. 17:

"Submarine Patrol" (20th-Fox)
LOEW'S CAPITOL—(3,434) (25c-65c) 7 days. Stage: All Star Revue. Gross: $12,500. (Average, $16,500)

"Stablemates" (M-G-M)
LOEW'S COLUMBIA—(1,243) (25c-40c) 2nd week, 7 days. Gross: $5,600. (Average, $4,200)

"If I Were King" (Para.)
LOEW'S PALACE—(2,370) (25c-55c) 7 days. Gross: $16,800. (Average, $11,500)

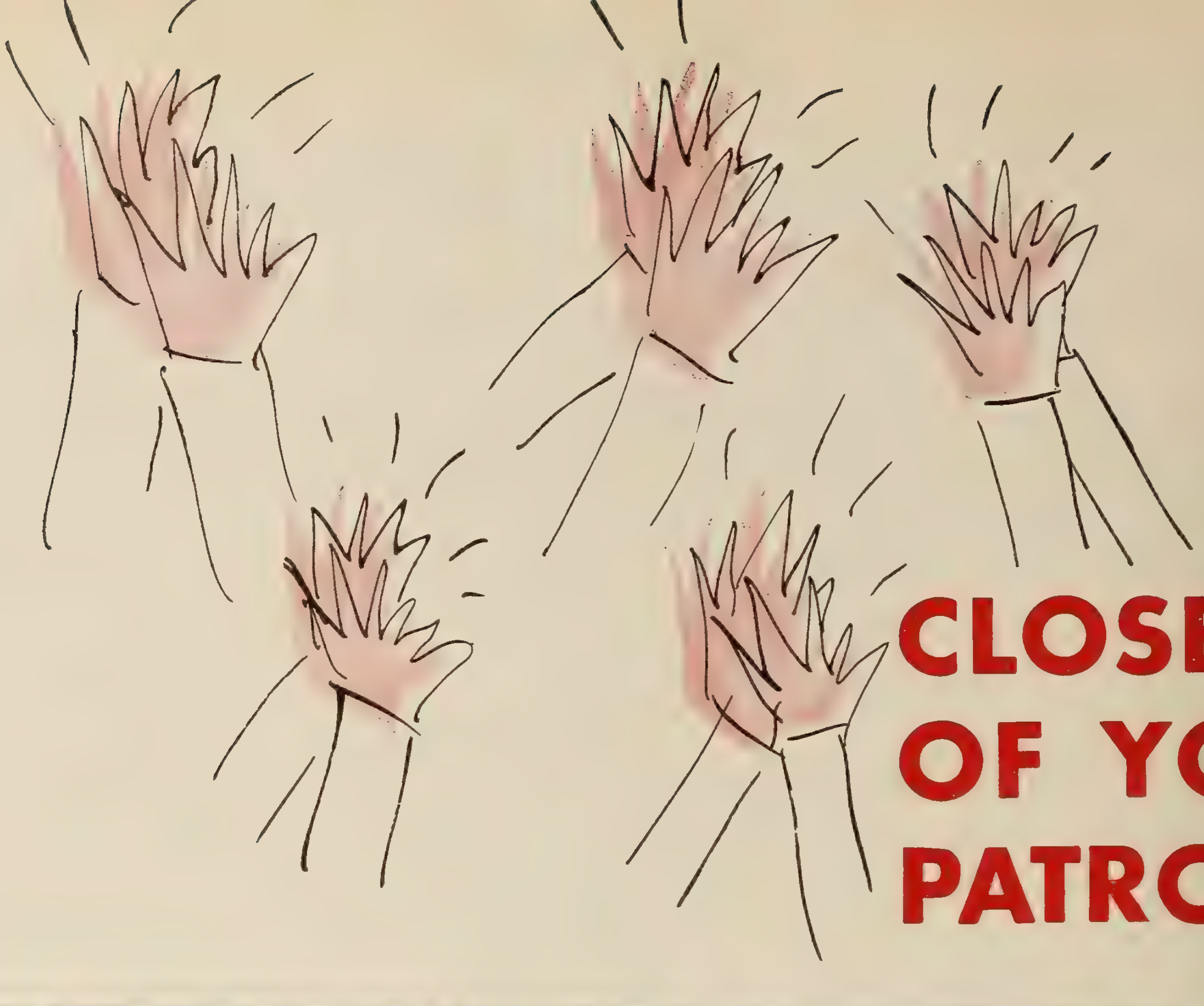
"Mad Miss Manton" (RKO)
RKO-KEITH'S—(1,836) (25c-40c) 7 days. Gross: $6,000. (Average, $10,000)

"Arkansas Traveler" (Para.)
WARNER'S EARLE—(2,218) (25c-66c) 7 days. Stage: Ted Lewis and Eddie Leonard. Gross: $19,265. (Average, $16,000)

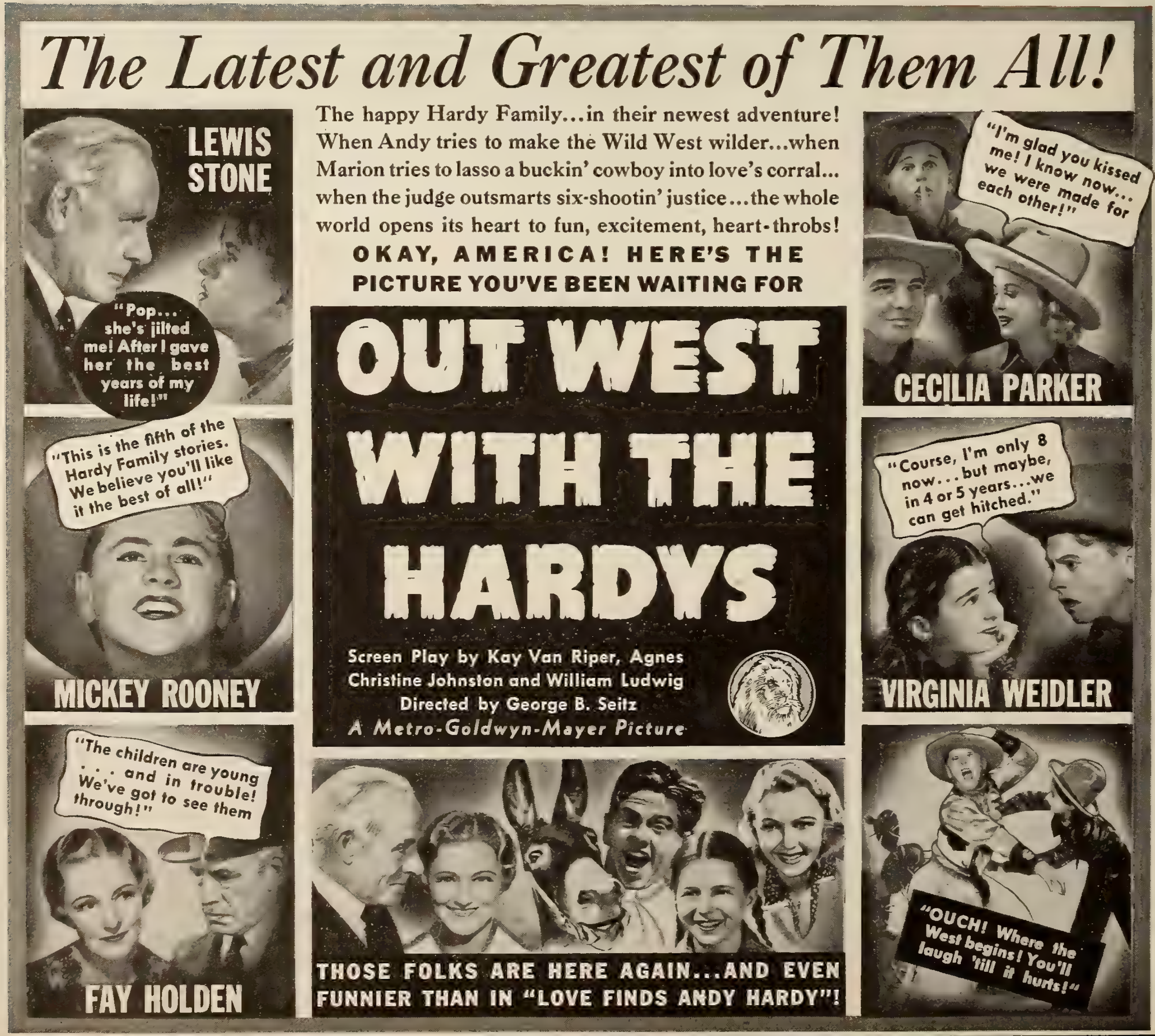
"Brother Rat" (W. B.)
WARNERS' METROPOLITAN—(1,591) (25c-40c) 2nd week, 7 days. Gross: $6,395. (Average, $4,000)

Reels on Quiz Closing

Entrants in the Movie Quiz contest will receive final warning of the Dec. 31 closing date via the newsreels. In their forthcoming issues, the reels will announce the date and advise participants where to send the answers. Similar cooperation was obtained from the reels at the opening of the contest.



CLOSE-UP OF YOUR PATRONS!



The Latest and Greatest of Them All!

The happy Hardy Family...in their newest adventure! When Andy tries to make the Wild West wilder...when Marion tries to lasso a buckin' cowboy into love's corral... when the judge outsmarts six-shootin' justice...the whole world opens its heart to fun, excitement, heart-throbs!

OKAY, AMERICA! HERE'S THE PICTURE YOU'VE BEEN WAITING FOR

OUT WEST WITH THE HARDYS

Screen Play by Kay Van Riper, Agnes Christine Johnston and William Ludwig
Directed by George B. Seitz
A Metro-Goldwyn-Mayer Picture

THOSE FOLKS ARE HERE AGAIN...AND EVEN FUNNIER THAN IN "LOVE FINDS ANDY HARDY"!

LEWIS STONE

"Pop... she's jilted me! After I gave her the best years of my life!"

"This is the fifth of the Hardy Family stories. We believe you'll like it the best of all!"

MICKEY ROONEY

"The children are young . . . and in trouble! We've got to see them through!"

FAY HOLDEN

"I'm glad you kissed me! I know now... we were made for each other!"

CECILIA PARKER

"Course, I'm only 8 now... but maybe, in 4 or 5 years...we can get hitched."

VIRGINIA WEIDLER

"OUCH! Where the West begins! You'll laugh 'till it hurts!"

LEFT:
Newspaper ad

HOW TO CASH IN ON THE GREATEST HARDY PICTURE!

With overflowing heart you'll agree that "Out West With The Hardys" is positively the best of all this amazing series!

There was roaring laughter, there were cheers—and tears—when it was screened in M-G-M's projection room, and you'll react likewise when you screen it!

Never was a picture sitting prettier for smashing business! The millions who literally adored "Love Finds Andy Hardy" are waiting for the new Hardy picture as no previous attraction was ever awaited!

SHOUT the news from your screen, from your lobby, from the pages of your newspapers!

DON'T LOSE ONE single opportunity to tease it along from this moment to your play-date!

BOOK it for extra time immediately, because you'll have to hold it over!

INCREASE your ad space to sock it over!

EXPLOIT it as you've never exploited before!

THE FRIENDLY COMPANY brings you the friendliest picture ever to come to the screens of America—"OUT WEST WITH THE HARDYS" !

RKO Seen Out Of 77B by End Of This Year

(*Continued from page* 1)

matter meant approval of the plan. The court declared that if the plan was found to be fair, he would look upon the technical aspects of the situation broadly, in order to get the company out of 77B before the end of the year. The judge further stated that he had started reading the voluminous briefs which had been filed in this case by numerous lawyers on Monday.

Yesterday once again the RKO hearing was consumed mainly in discussing the opinions of opposition lawyers, such as John S. Stover, attorney for Ernest W. Stirn, holder of 1,234 shares of original Class "A" stock of RKO, which stock had never been converted by Stirn, even though it had been called in by the company. Stover argued along his usual lines as for the past several months. It was his expression of opinion that only his client and none of the stockholders or debenture holders had filed a sworn proof of claim. Upon such allegations he based his argument that the consents to the plan were not valid.

Col. Hamilton C. Rickaby of Simpson, Thacher & Bartlett, counsel for the proponents of the plan, answered Stover to the effect that it was not necessary for the stockholders to file proofs of claim, and that the debenture holders had filed proofs of claim through the debenture trustee. However, Judge Bondy in his argument indicated that in the event he found no proofs of claim had been filed he would issue an order permitting them to do so at this time. It was then pointed out that such an order might require new consents to the plan and thus mean additional delay to the reorganization of the company, whereupon Judge Bondy indicated his hope that the filing of new consents would be avoided. Stover's allegations in court that Atlas, RCA and associates were selling their RKO stock, was refuted and denied on behalf of the parties by Rickaby.

May Regulate 16 MM. Showings in Ontario

Toronto, Nov. 22.—The newly reorganized Film Section of the Toronto Board of Trade has taken under advisement several proposals for regulations to govern the exhibition of 16 mm. films in rural halls of Ontario, a draft of which will be submitted to the Provincial Government for consideration at the approaching session of the legislature.

Chairman of the Film Section is T. J. Bragg, secretary-treasurer of Famous Players Canadian Corp., and vice-chairman is Louis Rosenfeld of Columbia Pictures of Canada, Ltd.

Senator to Open Today

Pittsburgh, Nov. 22.—The new Senator, latest in the Harris circuit, will open tomorrow night. The opening attractions will be John Boles in person and "Service De Luxe" on the screen. Ken Hoel has been named manager and Jerry Mayhall musical director.

Abbott Play Tonight

George Abbott's latest, "The Boys from Syracuse," opens tonight at the Alvin. Musical by Richard Rodgers and Lorenz Hart, it is based on Shakespeare's "The Comedy of Errors." Costuming will be done in the traditional manner, but the dialogue is modern. The cast is headed by Jimmy Savo, Wynn Murray, Eddie Albert, Muriel Angelus, Teddy Hart, Marcy Wescott and Ronald Graham.

Tomorrow, the Group Theatre will present "Rocket to the Moon," by Clifford Odets. It is reported to be Odets' first effort with romance as the principal theme. The cast includes Morris Carnovsky, Eleanor Lynn, Luther Adler, Sanford Meisner, Leif Erikson and others.

Gillespie to Handle Sousa Film Rights

(*Continued from page* 1)

Forever," as a suggestion for screen use, that being the title of his most famous composition. In all, Sousa wrote more than 150 marches, and composed six operas and numerous suites.

After leaving the Marines, where for years he was Bandmaster of the U. S. Marine Band, Sousa toured this country and Europe with his own group, and climaxed his career with a trip around the world.

Schlaifer Discusses Releases with B & K

Chicago, Nov. 22.—Jack Schlaifer, western division sales manager for United Artists, is conferring with Balaban & Katz executives here on the release of U. A. product in Loop houses. Details on the showing of "The Young in Heart" are being worked out.

Loew's Plays Santa

Loew's Brooklyn Theatres are again sponsoring the arrival of Santa Claus at Floyd Bennett Airport, which will take place tomorrow for the benefit of the borough's youngsters. Loew's Cadet Band and other entertainers will be on hand. There will be a parade through Brooklyn to Loew's Metropolitan.

Industry Backs the Federation Drive; Pledges $225,000

(*Continued from page* 1)

that the artists' representatives group is functioning. Meetings have also been set for early in December for the independent exhibitors, with William and Harry Brandt as chairmen; for the legitimate theatre group, headed by William Klein, Sam Forrest, Harry Goetz and Marcus Heiman; the independent producers, headed by Budd Rogers; and music publishers and composers, under the chairmanship of Louis Bernstein and Irving Caesar.

David M. Bernstein and Albert Warner, co-chairmen of the amusement division, concurred that yesterday's gathering was "the largest and most enthusiastic meeting ever held by the group."

Speakers in addition to the chairmen were License Commissioner Paul Moss and Paul Felix Warburg, chairman of the Business Men's Council, permanent fund-raising organization, with which the amusement committee is affiliated.

Warner Cites Attendance

Major Warner said: "The attendance here today proves that theatrical and motion picture men have a real feeling for the community of which they are a part and wish to take their rightful place along with all the other groups working for the support of our basic communal institutions."

Among those at the meeting were: Martin Quigley, Jack Alicoate, Barney Balaban, Nate J. Blumberg, Jules Brulatour, Leopold Friedman, Arthur Israel, Jr., Alan Freedman, Jules Levy, B. S. Moss, Louis Nizer, Oscar A. Doob, Eugene Picker, Aubrey and Marvin Schenck, Fredric Ullman, Jr., Fred J. Schwartz, Ed Rugoff, William and Harry Brandt, M. A. Schlesinger, Louis Bernstein, Max B. Blackman, Leo Brecher, Irving Caesar, Sam Forrest, Herman B. Gluckman, Harry M. Goetz, Sam Hacker, Budd Lytton, William Klein, Jules Levey, Marcus Heiman, Jack Goetz, Samuel Rosen, Max Rudnick, Sam Sax, Max Seligman, Sam Strausberg, Sidney Piermont and Joseph Phillipson.

Great States-G. N. Deal

Chicago, Nov. 22.—Great States circuit has bought all Grand National product for showing in the downstate theatres, according to James Winn, G. N. district manager here.

The Newsreel Parade

Signing of reciprocal trade treaties among Great Britain, Canada and the United States is the chief subject covered in the new issues of the newsreels, out yesterday. Highlights of recent football games comprise the sports materials. The reels and their contents follow:

MOVIETONE NEWS — Trade pact signed. U. S. subsidizes Dollar Line. Spanish insurgents recapture Ebro River area. Racing fashions. San Jacinto tunnel completed. Lew Lehr on ice skates. Football games.

NEWS OF THE DAY—Sir Ronald Lindsay and Cordell Hull discuss trade pact. Armistice Day observed overseas. Skiing exhibition. Ice skating. Football games.

PARAMOUNT NEWS—Trade treaties signed. British Royalty observes Armistice Day. Football games.

RKO PATHE NEWS—Japs take Canton. Trade pact signed. Thirteen-mile aqueduct completed. U. S. subsizes Dollar Line. Football games.

UNIVERSAL NEWSREEL—Britain and Canada in pact with U. S. Refugees leave Hankow. San Jacinto tunnel completed. Football games.

Bernerd With GN; Warner Sells His F. A.

(*Continued from page* 1)

Gaumont British distributing and of Gaumont News, in London.

Hammons did not divulge the amount of money involved in the sale of Fine Arts or the personnel of the new producing company. Warner came east last week seeking greater administrative authority in G. N. since his company was to supply 26, or the bulk, of the schedule of 44 features G. N. has announced for the season. Warner offered to buy a half or substantial interest in G. N. After considerable discussion, Hammons made him a counter offer.

Hammons said that the new company has agreed "to take over all the terms and conditions incorporated in the Fine Arts' contract" giving the distributing company "positive assurance that it will receive all the product which Fine Arts agreed to deliver."

G. N. will continue to distribute three Fine Arts' pictures, "Shadows Over Shanghai," "Cipher Bureau" and "Frontier Scout" and will also release "The Long Shot,' now being edited.

Broadway Grosses In General Slump

(*Continued from page* 1)

business is not so strong. Stage shows are drawing trade but the straight film houses are sagging. The whole main stem, practically, is holding over and for the big tops the only new film is "Sixty Glorious Years," which is British, and doing very mildly at the Music Hall.

"Submarine Patrol" is good under the circumstances and above normal. It is concluding its first four days at $34,000 or thereabouts at the Roxy. "Arkansas Traveler" has been held over for a second week after finishing its first with an estimated $38,000.

The 14th week of "Marie Antoinette" drew an estimated $4,800 and is expected to close Sunday. Second week of "Gangster's Boy" at the Globe drew a reported $6,000, and "Tarnished Angel" was estimated at $6,000 at the Rialto.

On Thursday, "The Great Waltz" will open at the Capitol after three weeks for "The Citadel." "The Cowboy and the Lady" starts at the Music Hall on the same day. A three-week run at the Strand for "Brother Rat" will be followed by "Angels With Dirty Faces." "Listen Darling" is next at the Criterion.

Foreign language films are doing well along Broadway. "Ballerina" was said to have set a house record at the Carnegie in its first week and will continue there as long as business holds. "Grand Illusion" at the Filmarte, "The Story of a Cheat" at the Fifth Av. Playhouse, "The Singing Blacksmith" at the Continental, and "Professor Mamlock" at the Cameo, are all in extended runs.

Production Holds Lively Pace With 42 Before Cameras

HOLLYWOOD, Nov. 22.—Forty-two pictures were before the cameras this week, three less than last week's total, as eight started and 11 finished. Twenty-[illegible]o are being prepared and 75 are b[illegible] edited.

Started were: "Racketeers," Columbia; "Tripper Pals," Cinemart-Grand National; "Wild Horse Trail" and "Tough Kid," Monogram; "Midnight," Paramount; "Fighting Thoroughbreds," Republic; "Juarez," "Broadway Cavalier," Warners.

In addition to these shooting are: "Ice Follies," "Wizard of Oz," "The Awakening of Katrina," "Idiot's Delight," "I Take This Woman," "Honolulu," "Burn 'Em Up O'Connor," M-G-M; "Cafe Society," "Never Say Die," "Persons in Hiding," "Union Pacific," "Hotel Imperial," "Bulldog Drummond's Secret Police," Paramount; "Fisherman's Wharf," Principal-RKO; "It's Spring Again," Roach; "Tail Spin," "The Little Princess," "Charlie Chan in Honolulu," "Wife, Husband and Friend" and "Dangerous Cargo," 20th Century-Fox; "Newsboy's Home" and "The Son of Frankenstein," Universal; "Stage Coach," Wanger; "Dark Victory," "Oklahoma Kid," "Yes, My Darling Daughter," "Always Leave Them Laughin," "Nancy Drew," "Reporter," "Dodge City," Warners.

Those finished were: "Rio Grande Roundup," Columbia; "Exile Express," Coronado-Grand National; "Parents on Probation," Paramount; "White Slaves" and "Pacific Liner," RKO; "Federal Man Hunt" and "Shine On, Harvest Moon," Republic; "Swing, Sister, Swing," "The Phantom Stage," Universal; "The Adventures of Jane Arden," Warners.

Columbia and M-G-M each started one short subject. M-G-M is preparing three, and 13 are in the cutting rooms.

UA Hires 23 Special Exploiters on Films

(*Continued from page* 1)

Nashville; Joe Longo, Providence; Ed Healy, Rochester; Floyd Scott, Syracuse; Max Abramson, Dayton; Art Catlin, Columbus; Steve Edwards, Akron; Ben Cohen, Toledo; Frank Moneyhun, Indianapolis; Ed Bellew, Louisville; W. P. Bernfield, Kansas City; Bob Wood, New Orleans; William Doll, Reading and Harrisburg; Lee Kugel, Wilmington; Ed Gallner, Baltimore; Jesse Long, Albany; E. M. Milburn, Richmond and Norfolk; Ed Wallach, Stamford; Ed Fisher, Cleveland; Ben Hill, Houston; Sam Siegel, Seattle. Handling "The Cowboy and the Lady" are Shep Henkin, Hartford and New Haven, and Siegel, Hill and Fisher.

Set McCord Trial Dec. 27

Federal Judge John M. Woolsey has set Dec. 27 as the date for trial of the $50,000 plagiarism suit brought by Charles McCord against 20th Century-Fox, Robbins Music Corp., Harry Revel and Mack Gordon. McCord alleges that his song was infringed in the film, 'Stowaway."

Mrs. Bill Robinson Model for Charity

Cincinnati, Nov. 22.—Mrs. Bill Robinson, wife of the tap dancer, will model in the fashion show to be sponsored by the Zeta Phi Beta Sorority at Hughes High School here Friday. Proceeds will be contributed to scholarships at the University of Cincinnati for Negro girls.

Monopoly Group To Study Court's G. T. P. Decision

WASHINGTON, Nov. 22.—Attention of the Administration Monopoly Committee has been called to yesterday's Supreme Court decision in the general Talking Pictures case, with the suggestion that it may offer the basis for an investigation of the extent to which restricted licenses are used for monopolistic purposes, it was learned here today.

The court's decision, holding that company had infringed a patent in using, in sound equipment, amplifiers restricted to radio reception and that the amplifier manufacturer had also infringed by producing for uses outside his license, is understood to have convinced Justice Department officials the only solution for patent monopoly lies in legislation.

The decision came down at a most opportune time, observers here pointed out, since the monopoly committee, which begins its hearings Dec. 1, is expected to take up the patent pool situation as the first subject of investigation. Patents involved in the General Talking Pictures case are included in the socalled radio patent pool.

Navy's Film Rental This Year $320,000

WASHINGTON, Nov. 22.—Total cost of the Navy's film service during the fiscal year ended June 30, last, was $320,000, of which $85,000 was provided by funds appropriated by Congress and the balance obtained from profits from ship's stores and contributions from ships and stations, it was disclosed today by Rear Admiral James O. Richardson, chief of the Bureau of Navigation, in his annual report to Secretary of the Navy Claude A. Swanson.

"A free motion picture show, either in the open air aboard ship or in the auditorium of naval stations, has become a nightly feature in Navy life," the rear admiral commented. "For this purpose two prints of more than 300 entertainment motion picture programs are leased annually from commercial producers. These prints are circulated to the various ships and shore stations for exhibition and then returned to the producers."

Mrs. Reid Story Head

HOLLYWOOD, Nov. 22. — Dorothy Reid has been appointed as head of the story department of Monogram, replacing Arthur Fitz-Richards, resigned.

SING OUT THE NEWS
STARS OF
STAGE
SCREEN
RADIO
WILL BE ON HAND FOR THE
18th ANNUAL
CHARITY DINNER
AND DANCE
of
THE MOTION PICTURE
ASSOCIATES, Inc.
at
THE HOTEL ASTOR
Saturday Night, November 26th
GRAND BALLROOM, 10:30 P.M.
Reservations Going Fast!
Call M. Fraum — Columbia Exchange
Circle 6-0900
TICKETS $7.50 per person
Entertainment under personal supervision
of BEN A. BOYAR (Co-Producer)
"NIGHT OF STARS"
Music by HERBERT STEINER
AND HIS BAND

Metropolitan Considering Return to Air

Insurance Firm Was Off Air Several Years

Metropolitan Insurance Co., one of the largest business houses in the world, may take to the air. The firm auditioned for an hour yesterday on a show which combined drama with music. The presentation was prepared by Young & Rubicam agency.

From the agency it was learned that if Metropolitan signs it may be for 26 weeks, but the radio circuit on which it would show is not determined yet, although the audition was at NBC.

Met has been the prospect of almost every large agency in the business for radio. It was one of the early users of radio but withdrew from the air long ago and whether Young & Rubicam can really lure Metropolitan back to the air where others have not succeeded remains to be seen.

Cormier Steps Out From Hearst Radio As of December 5

Al Cormier, vice-president of Hearst Radio, Inc., and general manager of WINS, New York, yesterday resigned both positions, effective with the termination of his contract on Dec. 5.

Cormier, a veteran broadcasting executive, joined the Hearst group several years ago, replacing Bert Squires. Recently Hearst decided to liquidate his radio interests, putting most of his stations on the open market. Several were sold, including WINS, which went to Milton Biow.

Renew Lum-Abner, Margaret McBride

General Foods yesterday renewed for long term periods two of its current programs on CBS.

"Lum 'n' Abner," broadcasting Mondays, Wednesdays and Fridays from 7:15 to 7:30 P. M. have had their contract extended for 52 weeks, effective at the close of this year.

Mary Margaret McBride, whose radio commentaries are heard the same days as above, from 12 noon to 12:15 P. M., has been renewed for a full year also. Both programs are handled by Young & Rubicam.

Collins in CBS Series

Ray Collins will be starred in a new dramatic series on CBS starting Nov. 28. The series, to be heard as a sustainer, will be broadcast Mondays through Fridays from 7 to 7:15 P. M. It will be titled "County Seat." Orson Welles will appear in the first presentation as a guest performer. Milton Geiger is author of the series, Norman Corwin will direct.

Stork Reports

Indianapolis, Nov. 22. — Births in Indianapolis hospitals now are reported daily over WIRE, with a background of lullaby music. Banquet Milk Co. of this city is the sponsor.

Royal Says N.B.C. Controls Writers For Its Protection

(*Continued from page 1*)

refuse any program, sustaining or commercial.

Questioned regarding the division of features between the Red and Blue networks, Royal explained they are competitive and each tries to take listeners from the other as well as from rival chain stations. For this reason, Royal pointed out, NBC is constantly striving to see that their programs are different from those of other webs, both in and outside of NBC, at the same air times.

Dempsey attacked the tendency of the networks to incorporate advertising in the entertainment parts of the commercial programs, and suggested that entire programs are now more or less full of advertising throughout. Royal refused to admit such was the case, and asserted if advertising can be made more entertaining it is not objectionable.

Earlier in the hearing, O. B. Hanson, vice president and chief engineer of NBC, testified that the advent of sound motion pictures nearly ruined the broadcasting industry. Outlining the development of broadcasting from its earliest to its present stage, Hanson disclosed that improvement of broadcasting equipment had an influence on silent films at a time when talking pictures were being pioneered, and that the introduction of sound in films had immediate repercussions in radio.

With Hollywood clamoring for sound equipment and personnel trained in sound, he said NBC lost 50 per cent of its engineering staff to Hollywood. This "raid" almost wrecked NBC operations, he testified.

Ted Collins Obtains "Torchy" Air Rights

Ted Collins Corp. has obtained exclusive radio rights to the "Torchy Blaine" series, and is offering the show as a half-hour program with Glenda Farrell, Barton MacLane and Tom Kennedy in the leads. The same players appear in the screen series of "Torchy Blaine" pictures.

Additionally, Collins is offering agency buyers a five-time-a-week, 15-minute dramatic series titled "My Son and I," and another feature titled "The Stone Family," with Fred, Paula and Dorothy Stone.

Abbott, Aldrich Renewed

Abbott and Costello, and the Aldrich Family, both units currently featured in the Kate Smith programs, were renewed for 13 additional weeks on the program by Ted Collins Corp.

Herb Yates to Star Autry on Republic Show

CBS Will Carry Film Company Program

HOLLYWOOD, Nov. 22.—Gene Autry today signed with Republic Pictures for a starring role in the studio's radio program. CBS will carry the half-hour show which will be known as "Under Western Stars," it has been definitely decided. Autry will replace Roy Rogers, who was originally slated for the spot. H. J. Yates, president of Republic, closed for his firm.

Salary dispute delayed the contract for a time, but a compromise was reached. It is understood that a major inducement to Autry was the assurance that Smiley Burnette would continue in a supporting role in all future film vehicles, and would be given a part in the air show.

Bill Lawrence, CBS producer, is handling the show with Beverly Barnett of the studio. The cast will include Mary Hart, Max Terhune and Elmer, a ventriloquist's dummy. First of the guest stars will be Beverly Roberts. Although Yates is undecided about accepting commercial sponsorship, the show is now being waxed for presentation to possible sponsors.

Gulf Oil Finally Set to Buy SAG's Network Program

HOLLYWOOD, Nov. 22.—Kenneth Thomson, executive secretary of the Screen Actors' Guild declared today that a deal for a transcontinental radio show series, in which S. A. G. members would participate, would be signed this week with the Guild supplying the talent, Gulf Oil Co. sponsoring. Young & Rubicam will act for Gulf. Music Corp. of America will represent the S. A. G.

The deal has been in negotiation for weeks and will present a huge array of film stars and featured players in a series of weekly programs. Money paid by the sponsor and agency is to be turned over to Motion Picture Relief Fund, an industry charitable organization for needy show folk. The Guild will have no part in the actual handling of such funds.

CBS Adding Power to Short-Wave Stations

Improvements to make it possible for CBS to broadcast simultaneously toward Europe and South America are now being installed by CBS for its international stations. W3XAU, operated by WCAU, CBS affiliate in Philadelphia, at present operating with a non-directional antenna, is being equipped with two new directional antennae, and when this operation is completed the station will cooperate with the CBS international station in New York, W2XE, with the broadcasts beamed simultaneously toward Europe and Latin America.

Only RCA PHOTOPHONE MAGIC VOICE OF THE SCREEN offers equipment for all theatres regardless of size

Your choice of 7 equipments ranging in price from $1075.00 to $3600.00—all available on convenient terms.

Only **RCA PHOTOPHONE does the Whole Job!**

Recording . . . Ultra-Violet Sound for Major Hollywood Studios.

Reproduction . . . Magic Voice of the Screen with Rotary Stabilizer for theatres.

Service . . . The most efficient and complete theatre sound service—at the lowest cost.

Research and Development...RCA's research and engineering in all fields of sound enables it to pioneer the movie industry's greatest advances in both recording and reproduction.

Permanence . . . As in the past, RCA Photophone will continue its intensive research and engineering and its progressive policies in behalf of the motion picture industry.

RCA presents the Magic Key every Sunday, 2 to 3 p. m., E.S.T., on the NBC Blue Network

Better sound means better Box Office . . . and RCA Tubes mean better sound

RCA Photophone's Service Organization has a low-cost theatre service plan you'll be interested in!

Only the Magic Voice of the Screen offers you all these advantages

Rotary Stabilizer · Cellular Speakers · Simple Operation · Economical Operation · Push-Pull Adaptability · High Fidelity Reproduction · Simple Installation · Accessibility · Easy Payment Plan · Nationwide Service Organization

RCA MAGIC VOICE of the SCREEN

Photophone

THE MAGIC VOICE OF THE SCREEN
RCA Mfg. Co., Inc. · Camden, N. J.
A Service of the Radio Corp. of America

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 44. NO. 103 NEW YORK, FRIDAY, NOVEMBER 25, 1938 TEN CENTS

Korda Due in This Country On Dec. 8th

UA Stockholder Meeting May Be Held Then

London, Nov. 24.—Alexander Korda will arrive in America, Dec. 8, and perhaps at that time United Artists, in which Korda is a stockholder, will hold its annual shareholders' meeting. Korda, of course, will go to Hollywood. He would like to make a film in the States, but his first job is to meet U.A.'s British film requirements. It is understood that Korda also might try Paris for production, but the same conditions as concerns U.A. necessarily apply.

There have been circulating accounts that Korda has had discussion

(*Continued on page* 10)

Holders Buy Coast Lab on $70,000 Bid

Hollywood, Nov. 24.—Original stockholders of International Cinema, Inc., independent laboratory, forming a new corporation, Cinema Laboratories, Inc., yesterday purchased for $70,000 the physical assets of the laboratory at a bankruptcy sale, in order to save their original investment.

The deal must be consummated in 30 days. Creditors' claims will be paid on the basis of 30 per cent cash and 40 per cent in preferred stock in the new corporation, with the original stockholders holding all com-

(*Continued on page* 10)

No Work Stoppage

San Francisco, Nov. 24.—Stoppage of work under any condition is prohibited in working agreements in effect between the musicians' union, Local No. 6, and the 1939 San Francisco World's Fair. Working provisions and pay rates are also included.

Censor Row Flares In Parliament on Para. Reel Fight

London, Nov. 24.—Following a barrage of questions to Prime Minister Chamberlain in the House of Commons yesterday on newsreel censorship, a member of Parliament threatened to raise the whole question of Government censorship for early Commons debate.

In answer, Sir John Simon admitted the Government considered certain material in a Paramount News issue on the recent war crisis prejudicial, and that Paramount cut the reel after the Hays organization representatives here had been approached by U. S. Ambassador Joseph P. Kennedy. Sir John defended the action as in the public interest and expressed gratitude to the Ambassador.

Paramount home office executives said the deletion from the company's British reel referred to in the discussion in Parliament consisted of interviews with British writers and newspapermen, in some of which Prime Minister Chamberlain's foreign policy at the time of the European crisis was criticized. They said that the deletion

(*Continued on page* 10)

US Suit, Patent Probe May Halt Anti-Film Legislation

Washington, Nov. 24.—Prospect of an investigation of the motion picture patent situation by the Administration monopoly committee and the existence of the Government anti-trust suit against the industry are seen here as putting the quietus on restrictive film legislation in the coming session of Congress.

Most measures which have been pressed actively in past sessions of Congress dealt with block booking and other matters which are currently involved in the anti-trust suit. Members of Congress, moreover, expressed the view here recently that no attempts will be made to push such legislation pending a possible settlement of the Government suit.

Broadening of the patent law to prevent monopoly through patent ownership, which was also sought at the last session, is likewise expected to be held in abeyance until the monopoly committee has had an opportunity to investigate and report on the patent situation in the industry. That such an investigation will be undertaken is viewed here as virtually certain because of the U. S. Supreme Court's recent decision in the General Talking Pictures case.

FILMDOM RALLIES TO AID REFUGEES

Sales Chiefs Gather Today On Pact Draft

Sales managers of all major companies will meet with company lawyers today to go over a draft of the distributors' trade practice proposals which will be submitted to exhibitor groups. The meeting was called by William F. Rodgers of M-G-M.

A committee of company counsel has been working on a draft of the proposals for about two weeks. A few points remain to be ironed out and it is expected that the program, from a distributors' standpoint, will be ready in about a week for presentation to the exhibitors.

The final draft is to be submitted to the M.P.T.O.A. executive committee at a meeting called here for Dec. 8 and 9. This conference may be held earlier, if the sales managers and the lawyers come to an agreement in time.

Briggs and Young Seeking Pathe Lab

Pathe's Bound Brook laboratory will be acquired by O. Henry Briggs, Pathe president; T. P. Loach, vice-president, and Arthur Miller, lab superintendent, in association with Robert R. Young, if their offer of $540,000 in 25-year debentures is accepted by Pathe stockholders under the company's liquidation plan to be voted on Dec. 13. The completed plan was mailed to Pathe stockholders over the holiday.

Pathe's assets to be liquidated, in addition to the laboratory and 3,500 shares of du Pont Film Mfg. stock, include $248,800 of RKO notes, having a market value of about $130,000, and

(*Continued on page* 10)

Blumberg Off Today On Visit to Studio

Nate J. Blumberg and Mrs. Blumberg will leave for the coast by train today for a visit of several weeks at the Universal studio. The trip is Blumberg's first in recent months and will be primarily for discussions on new product.

Hoblitzelle-O'Donnell to Give Day's Gross In 137 Houses

Karl Hoblitzelle, R. J. O'Donnell and John Moroney, and their Texas Interstate Circuit, of the southwest, will donate one day's gross receipts in 137 theatres to the cause of German refugee relief. This is how show business is rallying to the cause of the oppressed abroad. The Texas gesture is the greatest to be made by any single private group.

However, in show business, the Hoblitzelle-O'Donnell-Moroney group is not alone. This is the traditional spirit of show business to help the distressed and needy regardless of race or creed.

Special showings for the humanitarian cause of the German refugees are being held everywhere in the country.

The Texas Interstate event will cover two days, Dec. 7 and 8, and include the circuit's houses in Texas and New Mexico. Film companies have agreed to cooperate with special programs. There will be "minute men" speakers at all performances to describe the horror of the German situation and

(*Continued on page* 10)

U. S. Supplying 60% Of Films to Greece

Washington, Nov. 24.—Importance of the commercial agreement with Greece announced yesterday by the State Department was emphasized today in a report from the commercial attache in Athens to the Commerce Department that 60 per cent of the films shown in Greece are of American origin.

The report stated that 187 of 315 features in Greece during the 1937-'38 season were American, although including films dubbed or produced in European studios of American companies.

While American pictures accounted for more than half those shown in Greece, it was said, there was a decline as compared with the previous year, due partly to improvement in French production and partly to the failure of many American films to prove profitable.

Short Subjects

'Hawk of the Wilderness'

(*Republic*)

First episode of this new 12-chapter serial contains much excitement and suspense. If the other chapters are as good this will be a business builder for theatres which play such films. The plot is reminiscent of the old Tarzan stories. An explorer and his wife die in a storm at sea. Their baby son is rescued by an Indian servant. The boy grows up as a handsome denizen of the wilderness, despising civilization's ways. Meanwhile, a friend of his father receives a bottle washed ashore containing a message which sends him on an exploratory expedition to the island where the boy lives. The ship's crew is a cutthroat mob who think the scientist is hunting treasure, and they want their share. There are other complications, including a volcano and savage Indians. Romance is also indicated. Herman Brix is the boy, Jill Martin the girl and Monte Blue the Indian chief.

Running time, first chapter, 29 mins. "G."*

"Stranger Than Fiction," No. 56

(*Universal*)

Assorted material presented include a privet hedge in the likeness of animals; a Mississippi Justice of the Peace who totes his office around on wheels; Swedish Thanksgiving services by the light of the midnight sun; dolls sculptured from living models; a sea-going church in Louisiana; a two-legged sheep that gets around via wheel-chair; a dog whose favorite sport is riding atop an auto. Running time, 9 mins. "G."*

"Schubert's Unfinished Symphony"

(*Paramount*)

The Philharmonic Symphony Orchestra of U. S. A. under the baton of Frederick Feher presents the popular "Unfinished Symphony," by Franz Schubert. It is a worthy successor to "Tannhauser" which was first in this series of symphonic shorts. A thoroughly worthwhile subject which lends itself readily to exploitation. Should be liked wherever audiences enjoy classical music. Running time, 10 mins. "G."*

"Pictorial P8-5"

(*Paramount*)

This "Pictorial" is made up of a camera study of 17-year locusts, a series of color shots depicting American scenes which should make good subjects for a painter's canvas, and four song hits of yesterday sung by the Eton Boys. The last item includes "When You Were Sweet Sixteen," "Break the News to Mother," "The Curse of an Aching Heart" and "In the Good Old Summer Time." The songs should amuse. Running time, 9 mins. "G."*

"Mechanix Illustrated"

(*Vitaphone*)

Four of the latest developments in the mechanical field are portrayed in color. Extraction of vitamins, a television broadcast, working of the weather bureau, and the operation of the N. Y. Fire Department are included. This last sequence shows what happens from the first wisp of smoke to the conquest of the fire. An exciting ride on the hook-and-ladder through lower Broadway should provide a thrill. Running time, 10 mins. "G."*

"Disobedient Mouse"

(*Universal*)

Walter Lantz Cartune in which Baby-Face Mouse falls into the clutches of Rat Enemy No. 1, who proceeds to "learn" him how to be a crook. The pupil succeeds in calling the police, who find the "professor" knocked out. Baby-Face gets a reward and spanking for crossing the railroad tracks. Generally funny. Running time, 8 mins. "G."*

"Music and Models"

(*Universal*)

Song and dance and a display of fashions are mingled to produce a pleasing film. The fashion angle is subdued, but present none the less, with a credit plug for a well known New York furrier. In effect, this is a sort of miniature tab revue, with turns including Jack Arthur, Carolyn Marsh, Six Debonairs, Rolly and Verna Pickert, Theodore and Denesha, Six Songbirds and Irene Vermillion & Co. Running time, 18 mins. "G."*

"G" designates general audience classification.

Hollywood Preview

"Little Tough Guys in Society"

(*Universal*)

HOLLYWOOD, Nov. 24.—This is a rollicking, rib-tickling use of the Universal sextette of juvenile roughnecks good for just about any time and place. Although given the bulk of the footage and made the center of interest most of the way, the kids are by no means forced to carry the burden of entertainment. The adult cast contains such first flight performers as Mischa Auer, Edward Everett Horton, Mary Boland, Harold Huber and the rapidly growing Jackie Searl. There isn't a quiet or dull moment in the picture.

The screenplay by Edward Eliscu and Mortimer Offner is a sounder work than commonly concocted for films featuring gangster-ish juveniles, and averts, without weakening performances, the common danger of presenting adolescent viciousness attractively. The kids are introduced as tough youngsters transported from New York's East Side to the country estate of a wealthy matron whose over-privileged son needs stimulation. They give it to him, plentifully, and derive from their new surroundings a wholesome and proper sense of values. Serious as it sounds in synopsis, the story is 98 per cent humorous as presented.

Erle C. Kenton, who directed for associate producer Max H. Golden, extracted full laugh value from the ruffianly behavior of the junior principals without sacrificing in any degree the genuinely smart dialogue and effective character portrayals of the principals. Auer as a psychoanalist, Horton as a butler and Miss Boland as a fluttery matron are a priceless trio.

Running time, 70 minutes. "G."* ROSCOE WILLIAMS

"Peck's Bad Boy with the Circus"

(*Principal-RKO*)

HOLLYWOOD, Nov. 24.—Appealing to adults as well as children, "Peck's Bad Boy with the Circus," produced by Sol Lesser's Principal Productions for RKO release, is a story of American boyhood based on the lovable, mischievous character created by novelist G. W. Peck. The picture is rich in comedy, being a series of incidents out of which a maximum of laughs is drawn. Tommy Kelly, whose first appearance on the screen was in the title role of "The Adventures of Tom Sawyer," and Ann Gillis, who appeared as "Becky" in that picture, are the leads in "Peck's Bad Boy with the Circus," the former playing "Bill Peck" and the latter a performer in a circus which visits "Bill Peck's" town.

Supporting the youthful pair, who carry their roles well, is a group of dependable performers consisting of Edgar Kennedy, Benita Hume, Spanky MacFarland, Billy Gilbert, Grant Mitchell, Nana Bryant, William Demarest, Wade Boteler, Harry Stuffs, Fay Helm, Mickey Rentschler and Louise Beavers. Edward F. Cline directed from the screenplay by Al Martin, David Boehm and Robert Neville, the latter also doing the adaptation. Leonard Fields was associate producer.

Tommy, anxious to win for the third time the cross country race at a boys' camp, delays his trip to the resort when a circus comes to town. At the circus he stumbles upon jealousy in the ranks of the performers, but saves the show for Miss Gillis, who is hurt through a plot of an older rival. Then in a breakneck dash on a circus chariot, he arrives at the camp in time to enter and win the race.

Running time, 68 minutes. "G."* VANCE KING

"G" denotes general audience classification.

Variety Club

Kansas City

KANSAS CITY, Nov. 24.—Final arrangements are completed for the annual charity ball, sponsored by Film Row and Variety Club, which will be held tomorrow at Pla-Mor. EARL JAMESON, general chairman; STANLEY CHAMBERS, floor show; FINTON JONES, program; S[illegible] LAWLER, publicity; FRANK HENSLER, table reservations, have done a good job, and the ball is expected to draw more than 1,500.

The show will consist of acts and a band from the Fox Tower and MAT BETTON's orchestra for dancing.

Hostesses for the party are: Paramount, ANNE O'TOOLE; Republic, DOROTHY O'BRIEN; Universal, VIRGINIA GAYLORD; Warners, MARY JONES; Film Delivery, NADINE MESSAKIAN; Grand National, MABEL FISK; Commonwealth, OPAL WINTER; United Artists, MINNIE SCHMIEDGEN; M-G-M, LENORE HERING; 20th-Fox, ANN RICHEY; National Screen Service, ARDA MAYER; Columbia, LOUISE WILLIAMS; KMTA, JUNE MEDCALF; RKO, MARGUERITE O'TOOLE.

Detroit

DETROIT, Nov. 24.—Instead of the usual luncheon meeting on Monday, the Variety Club will hold a testimonial banquet honoring Henderson M. Richey, immediate past chief barker of Tent No. 5, celebrating his new association with RKO, where he is director of theatre relations on distribution.

Invitations have been issued to numerous film company executives, including all the top RKO officials, besides leading business men, newspaper men and sportsmen of Detroit.

Pittsburgh

PITTSBURGH, Nov. 24.—HERBERT J. YATES has sent his check for $500 to start off the annual Milk Fund drive. HARRY KALMINE has been reelected commander of the Variety American Legion Post. IRA COHN, newly-elected chief barker, will be host at a beer party Dec. 13 before he leaves on a South American cruise.

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

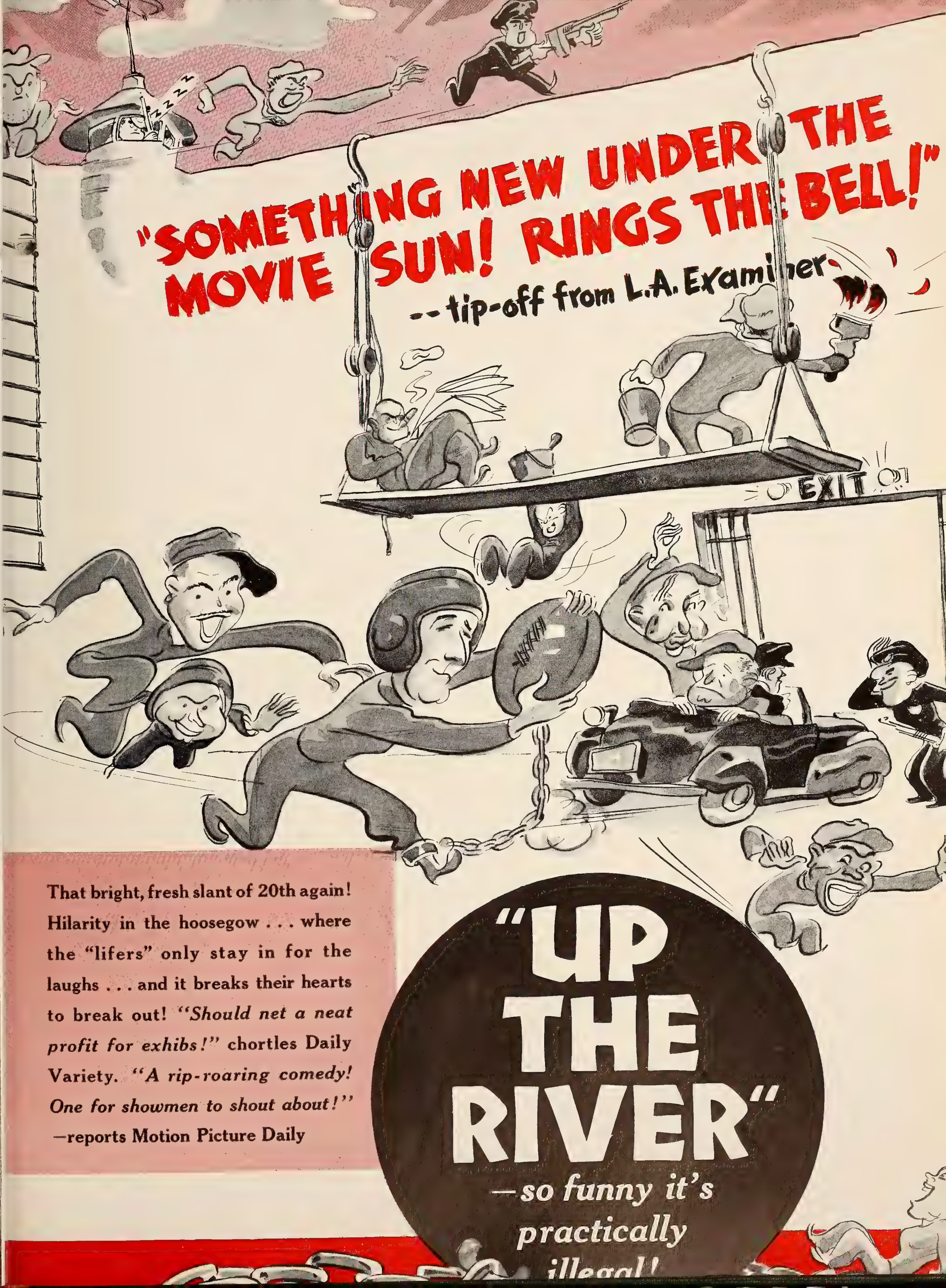
Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS:—*Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.



"SOMETHING NEW UNDER THE MOVIE SUN! RINGS THE BELL!"

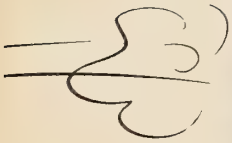
-- tip-off from L.A. Examiner

That bright, fresh slant of 20th again! Hilarity in the hoosegow . . . where the "lifers" only stay in for the laughs . . . and it breaks their hearts to break out! *"Should net a neat profit for exhibs!"* chortles Daily Variety. *"A rip-roaring comedy! One for showmen to shout about!"* —reports Motion Picture Daily

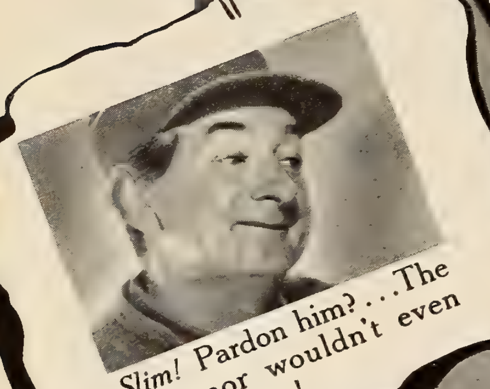
"UP THE RIVER"

—so funny it's practically illegal!

THE MERRIEST GALLERY OF ROGUES EVER TO ROCK THE BIG HOUSE!



Chipper and Darby! The world's slickest salesmen—they even cell themselves!



Slim! Pardon him?... The governor wouldn't even excuse him!

Fisheye! A trusty whose mother wouldn't dare to trust him!

Memphis! He puts that swing into the lock-step!

Tommy and Helen! Their love laughed at locksmiths —and right out loud!

UP THE RIVER

with

PRESTON FOSTER · TONY MARTIN · PHYLLIS BROOKS · SLIM SUMMERVILLE · ARTHUR TREACHER · ALAN DINEHART · EDDIE COLLINS JANE DARWELL · SIDNEY TOLER · BILL ROBINSON

Executive Producer Sol M. Wurtzel

Directed by Alfred Werker. Screen play by Lou Breslow and John Patrick. Based upon the original story by Maurine Watkins. Music and lyrics: "It's the Strangest Thing," "Song of Rockwell" by Sidney Clare and Harry Akst. Dances staged by Nicholas Castle and Geneva Sawyer.

20th CENTURY FOX

"Suez" Leader In Twin Cities With $13,300

MINNEAPOLIS, Nov. 24. — "Suez," with $8,300 at the State, was high grosser for the week. "Stablemates" took $7,000 at the Orpheum and the new Gopher continued at a very satisfactory pace with "Youth Takes a Fling," getting $3,200 for 6 days.

In St. Paul, "Suez" again led the procession, bringing $5,000 to the Paramount.

Estimated takings for the week ending Nov. 17:

Minneapolis:

"Son of the Legion" (Para.)
"Swing That Cheer" (Univ.)
ASTER—(900) (15c-25c) 6 days. Gross: $1,200. (Average, $1,500)
"Four's a Crowd" (W. B.)
CENTURY—(1,600) (25c-40c) 7 days. Gross: $4,000. (Average, $4,000)
"Youth Takes a Fling" (Univ.)
GOPHER—(1,000) (25c-40c) 6 days. Gross: $3,200. (Average, $3,000)
"Stablemates" (M-G-M)
ORPHEUM—(2,900) (25c-40c) 7 days. Gross: $7,000. (Average, $4,800)
"Suez" (20th-Fox)
STATE—(2,300) (25c-40c) 7 days. Gross: $8,300. (Average, $4,400)
"That Certain Age" (Univ.)
WORLD—(400) (25c-55c) 7 days, 3rd week. Gross: $2,300. (Average, $1,600)

St. Paul:

"Straight, Place and Show" (20th-Fox)
"Stablemates" (M-G-M)
ORPHEUM—(2,000) (25c-40c) "Show," 5 days, "Mates," 2 days. Gross: $2,500. (Average, $3,200)
"Suez" (20th-Fox)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: $5,000. (Average, $4,400)
"Four's a Crowd" (W. B.)
RIVIERA—(1,000) (25c) 7 days. Gross: $2,300. (Average, $2,400)
"Last Express" (Univ.)
"Adventure in Sahara" (Col.)
TOWER—(1,000) (25c) 7 days. Gross: $1,900. (Average, $1,600)
"Drums" (U. A.)
WORLD—(400) (25c-35c) 7 days. Gross: $1,100. (Average, $700)

Kemp Band Boosts "Demon" K.C. Take

KANSAS CITY, Nov. 24.—Hal Kemp and "Road Demon" gave the Fox Tower $13,100. "Just Around the Corner" pulled $7,200 at the Esquire and Uptown; $3,400 at the former, and $3,800 at the latter. "Gangster's Boy" made $4,800 at the Orpheum.

Estimated takings for the week ending Nov. 15-17:

"Just Around the Corner" (20th-Fox)
ESQUIRE—(800) (25c-40c) 7 days. Gross: $3,400. (Average, $3,000)
"Just Around the Corner" (20th-Fox)
UPTOWN—(2,000) (25c-40c) 7 days. Gross: $3,800. (Average, $4,000)
"There Goes My Heart" (U. A.)
"The Little Adventuress" (Col.)
MIDLAND—(4,000) (25c-40c) 7 days. Gross: $9,000. (Average, $11,500)
"If I Were King" (Para.)
NEWMAN—(1,900) (25c-40c) 7 days, 2nd week. Gross: $5,600. (Average, $7,000)
"Road Demon" (20th-Fox)
FOX TOWER—(2,200) (25c-35c-65c) 6 days. Stage: Hal Kemp & His Orchestra. Gross: $13,100. (Average, 6 days, $7,000)
"Gangster's Boy" (Mono.)
ORPHEUM—(1,500) (25c-40c) 7 days. Gross: $4,800. (Average, $5,000)

"Katrina" Final Title

HOLLYWOOD, Nov. 24.—"The Awakening of Katrina" is the final title for Metro's picture starring Franciska Gaal and Franchot Tone, formerly titled "Katherine the Last.

Hollywood Preview

"Arizona Wildcat"

(20th Century-Fox)

HOLLYWOOD, Nov. 24.—Showmen who have been wishing Jane Withers might have advantage of more substantial stories and larger production budgets get their wish here. This is a "kid picture" in name only. It's a down-to-earth western with Leo Carrillo doing an 1850 Robin Hood of the plains, for a purpose, and such other able performers as William Henry, Henry Wilcoxon, Etienne Giradot, Pauline Moore, Harry Woods and Rosita Harlan giving good account of themselves. Miss Withers is in no sense obscured by the adult plot, but neither is it cut down to child size for her. It looks like just about what the showman ordered.

Miss Withers is a somewhat harum-scarum orphan of the plains who lives with a Spanish stagecoach driver, Carrillo, and his wife and many sons. She and, ultimately, he suspect that the sheriff, Wilcoxon, is responsible for gold robberies in which many men, including her father, have been murdered. The sheriff tries to pin the crimes on an innocent Southerner who, in turn, is seeking a man who robbed his father. It turns out, after much riding, shooting, etc., that the sheriff is also this man. Carrillo, formerly a Robin Hood type bandit, rounds up his former followers and rides again to rescue the young man (for the school teacher, incidentally) and capture the sheriff. Jane helps in making Carrillo's roundup successful but does so in ways that a child of her years really might.

With the advent of more substantial stories emerges, also, a new Jane Withers, more actress and yet no less cut up. As directed by Harry I. Leeds for associate producer John Stone in this screenplay by Harry Trivers and Jerry Cady from an original by Frances Hyland and Albert Ray, she sets a new Withers standard.

Running time, 69 minutes. "G."* ROSCOE WILLIAMS

New York Preview

"Come On Rangers!"

(Republic)

Fast tempo, plenty of action, a capable cast and a judicious sprinkling of tuneful songs make this attractive for the western fans. Charles Ford produced and Joe Kane directed.

The story is of Capt. Roy Rogers of the Texas Rangers who joins the U. S. Cavalry when the Rangers disband. A crooked politician, Purnell Pratt, organizes a State Patrol to provide "protection" for the ranchers and preserve law and order. The leader is also the head of a gang of outlaws, the White Horse Raiders, who overrun Texas and provide the excuse for the existence of the crooked State Patrol. When the U. S. troops are unable to cope with the situation, Capt. Rogers deserts, rounds up the old Rangers and brings the terrorists to justice. The Governor rewards him by reviving the Rangers and the Colonel's daughter, Mary Hart, finally consents to become Mrs. Rogers.

Raymond Hatton turns in an outstanding performance as an old Indian scout. Others prominently cast are J. Farrell MacDonald, Bruce MacFarlane and Harry Woods.

Running time, 57 mins. "G."*

---

*"G" denotes general classification.

Webber Buys KC House

KANSAS CITY, Nov. 24.—Mary Lue, suburban house in Southeastern Kansas City which E. E. Webber has had under lease seven years, has been acquired by Morris Wiber. The 600-seat house operates on a 25-cent policy.

Davidson Takes Musical

Samuel Davidson, president of Cameo Screen Attractions, has purchased for New England distribution the Wilcox musical, "The Gang," and the Nash film, "Convicts at Large," from Fred McConnell, of Record Pictures.

Walsh in Pittsburgh

PITTSBURGH, Nov. 24.—John Walsh, former manager of the Shea Paramount in Newport, is manager of the Fulton, Shea house here, replacing Lester W. Hutchson, who has returned to management of the Shea theatres in New Philadelphia and Newark, O.

Takes Three in Canada

TORONTO, Nov. 24.—J. O. Scott, owner of the Weston, has taken three Ontario houses, the Cartier at Timmins, Prescott at Prescott, and LaSalle at Kirkland Lake.

"Traveler" Is Milwaukee Top With $10,500

MILWAUKEE, Nov. 24.—"The Arkansas Traveler" and Glen Gray's Casa Loma orchestra were the week's pacemakers with a $10,500 take at Fox's Palace.

"Drums" and "Hard to Get" were good for $6,800 at the Warner and "Exposed," with "Hawaii Nights" on the stage, collected $5,500 at the Riverside. Other business was down. Chief competition was the auto show in the Auditorium.

Estimated takings for the week ending Nov. 16-17:

"Drums" (U. A.)
"Hard to Get" (W. B.)
WARNER—(2,400) (35c-50c) 7 days. Gross: $6,800. (Average, $5,000).
"The Arkansas Traveler" (Para.)
PALACE—(2,400) (35c-50c) 7 days. Stage: Glen Gray and the Casa Loma orchestra. Gross: $10,500. (Average, $5,000)
"Exposed" (Univ.)
RIVERSIDE—(2,300) (25c-30c) 7 days. Stage: Hawaii Nights. Gross: $5,500. (Average, $5,000)
"Suez" (20th-Fox)
STRAND—(1,400) (35c-50c) 7 days. Gross: $4,000. Average, $4,500)
"Just Around the Corner" (20th-Fox)
"I Am the Law" (Col.)
WISCONSIN—(3,200) (35c-50c) 7 days. Gross: $7,000. (Average, $8,000)

Cleveland Is Down Under; "Rat" Good

CLEVELAND, Nov. 24. — "Brother Rat" exceeded all first runs at Warners' Hippodrome with a take of $16,000. It moved to the Allen for a continued downtown engagement.

"The Great Waltz" at Loew's State, pretty strong at $13,500.

"The Mad Miss Manton" at the Palace with Gene Autry on the stage got by with $15,000. "The Citadel," at Loew's Stillman following a run at Loew's State did $5,000, par.

Weather was warm. Hanna Theatre, legit, offered "Pins and Needles." Arena, sports, had "The Ice Follies of 1939."

Total first run business was $53,000. Average is $49,000.

Estimated grosses for the week ending Nov. 17:

"A Man to Remember" (RKO)
ALLEN—(3,000) (30c-35c-42c) 7 days. Gross: $3,500. (Average, $4,000)
"Brother Rat" (F. N.)
WARNERS' HIPPODROME — (3,800) (30c-35c-42c) 7 days. Gross: $16,000. (Average, $12.000)
"The Mad Miss Manton" (RKO)
RKO PALACE—(3,100) (30c-42c-55c) 7 days. Stage: Gene Autry and vaudeville. Gross: $15,000. (Average, $15,000)
"The Great Waltz" (M-G-M)
LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: $13,500. (Average, $13,000)
"The Citadel" (M-G-M)
LOEW'S STILLMAN—(1,900) (30c-35c-42c) 7 days. 2nd week. Gross: $5,000. (Average, $5,000)

Warner Exchange Moves

Warners' New York exchange, heretofore located in the Film Center Bldg., has moved into new headquarters at 315 West 44th St., adjoining the home office building. General offices of the exchange are on the second floor of the home office, with shipping, inspection and ad sales in the new space.

"LET FREEDOM RI

For the Good of Your *Theat*
munity, for the Good of Yo

Declara
Indepen

Pre-Release Booked by Every Major Circuit! Pre-Releas
Endorsed as No Short Subject Ever Was Before, by Govern
ment Officials, Civic Societies, Exhibitor Leaders, Editorials

Notice: Important Merchandising Plan containing tie-ups and endorsements at your exchange—be sure to ask for i

!"

for the Good of Your *Com-*
Country, **YOU** Must Show

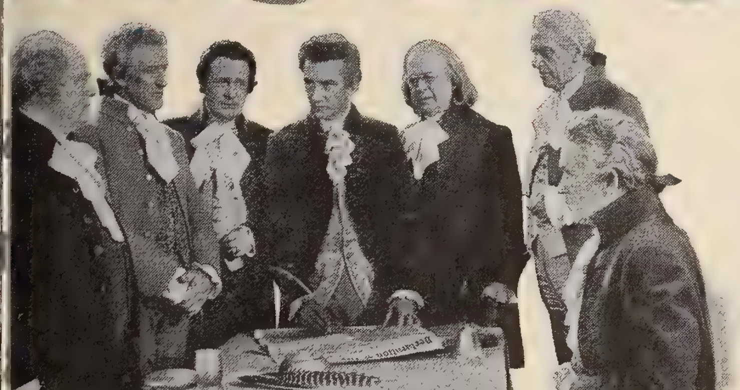
tion of
dence

Of all the achievements of which Warner Bros. are proud none has been more overwhelmingly lauded than this

VITAPHONE

2-Reel Short Subject In

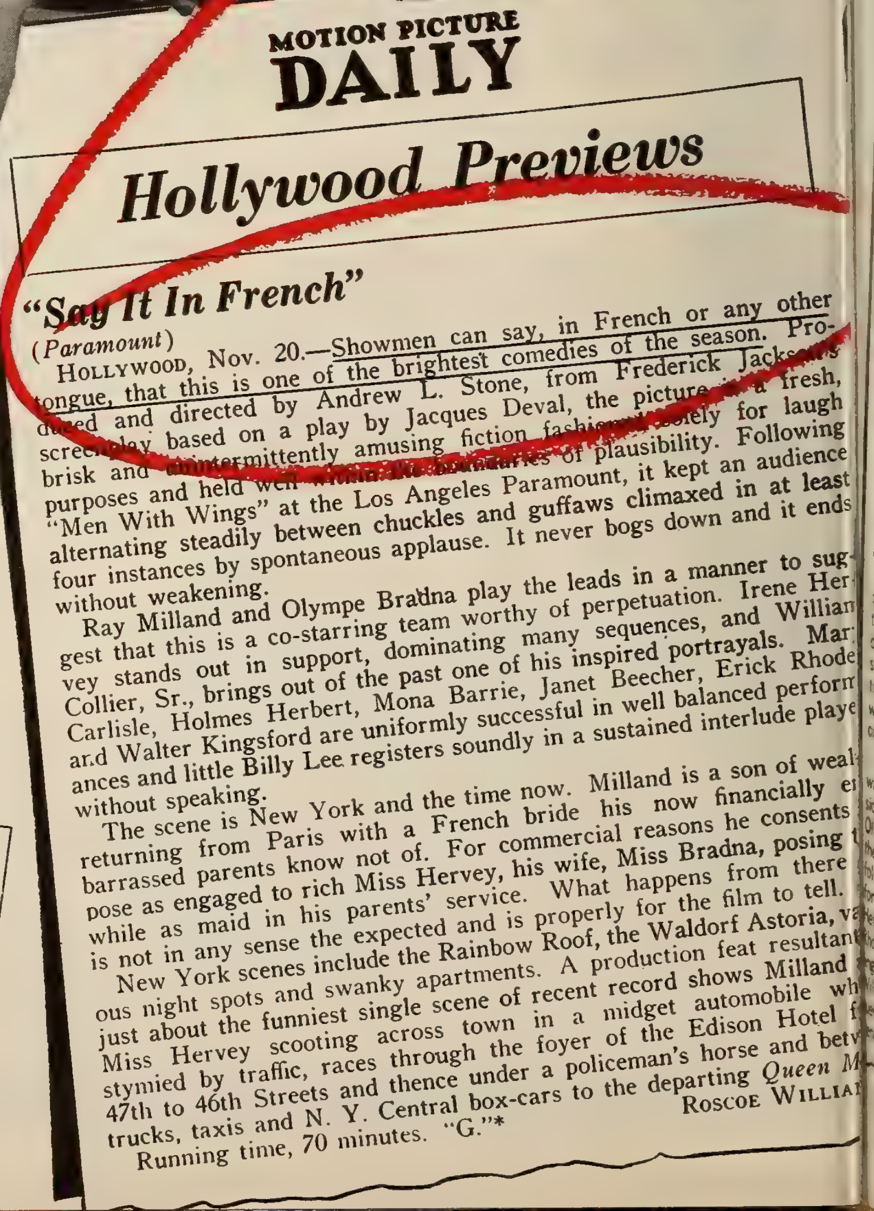
TECHNICOLOR



JOHN LITEL • Ted Osborne • Rosella Towne • Richard Bond • Owen
• Directed by Crane Wilbur • Original Screen Play by Charles L. Tedford

"Congratulations to
WARNER BROS.
for an extraordinarily fine
film." *W. G. Van Schmus*
Managing Director, Radio City Music Hall

Regardez les feuilletonistes, mon ami!
Ils disent que notre film est la plus
belle comédie depuis longtemps!



MOTION PICTURE
DAILY

Hollywood Previews

"Say It In French"

(*Paramount*)

Hollywood, Nov. 20.—Showmen can say, in French or any other tongue, that this is one of the brightest comedies of the season. Produced and directed by Andrew L. Stone, from Frederick Jackson's screenplay based on a play by Jacques Deval, the picture is a fresh, brisk and unintermittently amusing fiction fashioned solely for laugh purposes and held well within the boundaries of plausibility. Following "Men With Wings" at the Los Angeles Paramount, it kept an audience alternating steadily between chuckles and guffaws climaxed in at least four instances by spontaneous applause. It never bogs down and it ends without weakening.

Ray Milland and Olympe Bradna play the leads in a manner to suggest that this is a co-starring team worthy of perpetuation. Irene Hervey stands out in support, dominating many sequences, and Willia
Collier, Sr., brings out of the past one of his inspired portrayals. Mar
Carlisle, Holmes Herbert, Mona Barrie, Janet Beecher, Erick Rhode
and Walter Kingsford are uniformly successful in well balanced performances and little Billy Lee registers soundly in a sustained interlude playe
without speaking.

The scene is New York and the time now. Milland is a son of weal
returning from Paris with a French bride his now financially e
barrassed parents know not of. For commercial reasons he consents
pose as engaged to rich Miss Hervey, his wife, Miss Bradna, posing
while as maid in his parents' service. What happens from there
is not in any sense the expected and is properly for the film to tell.

New York scenes include the Rainbow Roof, the Waldorf Astoria, va
ous night spots and swanky apartments. A production feat resultan
just about the funniest single scene of recent record shows Milland
Miss Hervey scooting across town in a midget automobile wh
stymied by traffic, races through the foyer of the Edison Hotel f
47th to 46th Streets and thence under a policeman's horse and betv
trucks, taxis and N. Y. Central box-cars to the departing *Queen M*

Running time, 70 minutes. "G."*

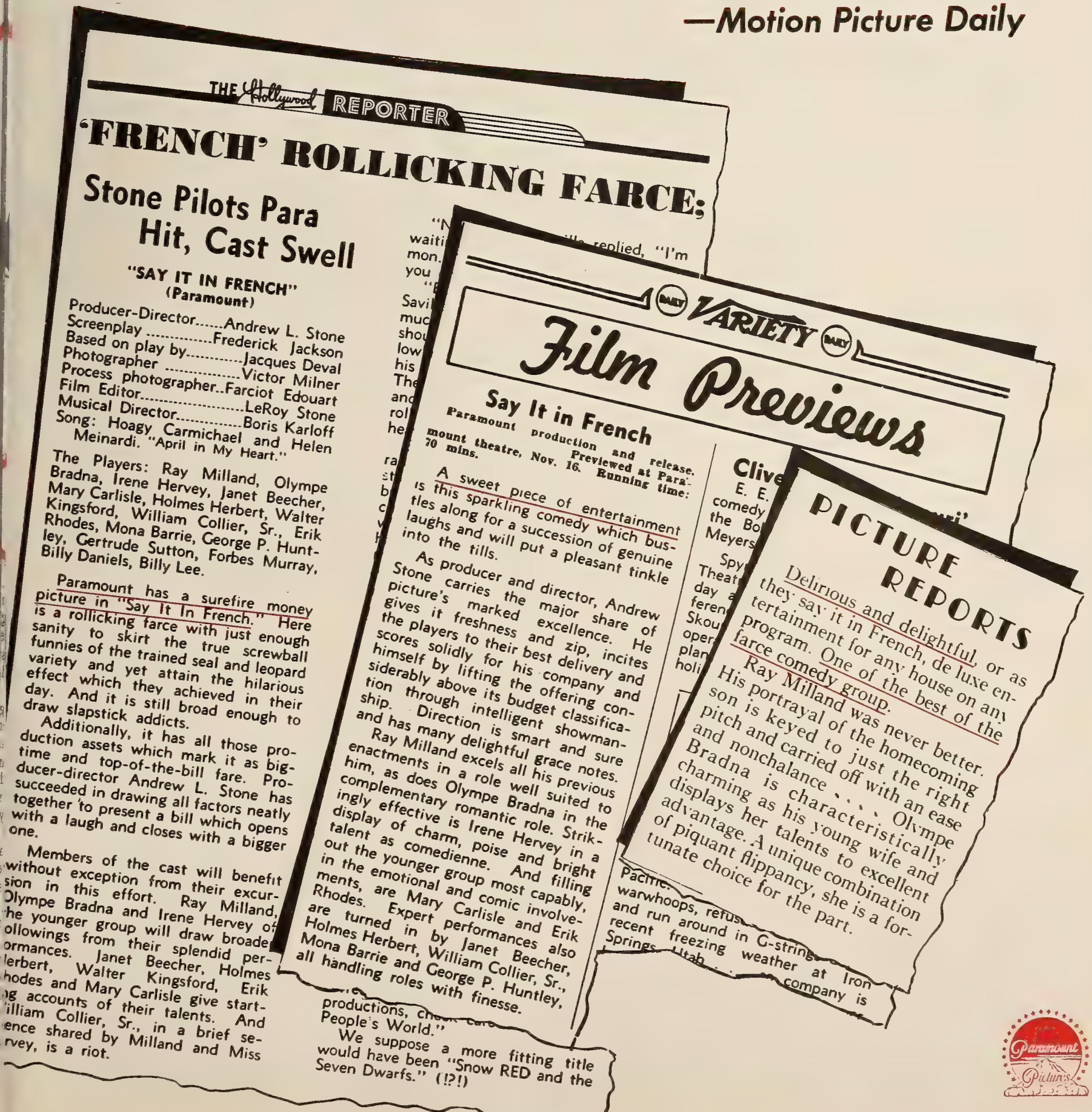
Roscoe Willia

Paramount
Preview tonite
"SAY IT IN FRENCH"
It's the best picture I've seen in Paramount in months.
It was sure funny, and I enjoyed it a lot.
Swell dialogue—reminds me of 'It Happened One Night'
The picture had a swell cast and plenty of laughs.

Typical praise from the New York Paramount Theatre preview audience

"'SAY IT IN FRENCH or in any other tongue, this is one of the brightest comedies of the year!"

—*Motion Picture Daily*



THE Hollywood REPORTER

'FRENCH' ROLLICKING FARCE;

Stone Pilots Para Hit, Cast Swell

"SAY IT IN FRENCH"
(Paramount)

Producer-Director......Andrew L. Stone
Screenplay ....Frederick Jackson
Based on play by............Jacques Deval
Photographer ....Victor Milner
Process photographer..Farciot Edouart
Film Editor......................LeRoy Stone
Musical Director..............Boris Karloff
Song: Hoagy Carmichael and Helen Meinardi. "April in My Heart."

The Players: Ray Milland, Olympe Bradna, Irene Hervey, Janet Beecher, Mary Carlisle, Holmes Herbert, Walter Kingsford, William Collier, Sr., Erik Rhodes, Mona Barrie, George P. Huntley, Gertrude Sutton, Forbes Murray, Billy Daniels, Billy Lee.

Paramount has a surefire money picture in "Say It In French." Here is a rollicking farce with just enough sanity to skirt the true screwball funnies of the trained seal and leopard variety and yet attain the hilarious effect which they achieved in their day. And it is still broad enough to draw slapstick addicts.

Additionally, it has all those production assets which mark it as big-time and top-of-the-bill fare. Producer-director Andrew L. Stone has succeeded in drawing all factors neatly together to present a bill which opens with a laugh and closes with a bigger one.

Members of the cast will benefit without exception from their excursion in this effort. Ray Milland, Olympe Bradna and Irene Hervey of the younger group will draw broader followings from their splendid performances. Janet Beecher, Holmes Herbert, Walter Kingsford, Erik Rhodes and Mary Carlisle give startling accounts of their talents. And William Collier, Sr., in a brief sequence shared by Milland and Miss Hervey, is a riot.

"N... waiti... replied, "I'm mon... you...

productions, ch... People's World."

We suppose a more fitting title would have been "Snow RED and the Seven Dwarfs." (!?!)

DAILY VARIETY DAILY

Film Previews

Say It in French

Paramount production and release. Previewed at Paramount theatre, Nov. 16. Running time: 70 mins.

A sweet piece of entertainment is this sparkling comedy which bustles along for a succession of genuine laughs and will put a pleasant tinkle into the tills.

As producer and director, Andrew Stone carries the major share of picture's marked excellence. He gives it freshness and zip, incites the players to their best delivery and scores solidly for his company and himself by lifting the offering considerably above its budget classification through intelligent showmanship. Direction is smart and sure and has many delightful grace notes.

Ray Milland excels all his previous enactments in a role well suited to him, as does Olympe Bradna in the complementary romantic role. Strikingly effective is Irene Hervey in a display of charm, poise and bright talent as comedienne. And filling out the younger group most capably, in the emotional and comic involvements, are Mary Carlisle and Erik Rhodes. Expert performances also are turned in by Janet Beecher, Holmes Herbert, William Collier, Sr., Mona Barrie and George P. Huntley, all handling roles with finesse.

Clive... E. E. ... comedy... the Bo... Meyers...

Spy... Theat... day a... feren... Skou... oper... plan... holi...

Pacific. ... warwhoops, refus... and run around in G-string... recent freezing weather at Iron Springs, Utah . . . company is

---

PICTURE REPORTS

Delirious and delightful, or as they say it in French, de luxe entertainment for any house on any program. One of the best of the farce comedy group.

Ray Milland was never better. His portrayal of the homecoming son is keyed to just the right pitch and carried off with an ease and nonchalance. . . . Olympe Bradna is characteristically charming as his young wife and displays her talents to excellent advantage. A unique combination of piquant flippancy, she is a fortunate choice for the part.

Korda Due in This Country On Dec. 8th

(*Continued from page* 1)

about Paris production with Arnold Pressburger. And that's about all there may be to this.

The latest talk in British film circles, concerns a possible amalgamation between Denham and Pinewood studios, to take effect Jan. 1. Strangely enough, both studios have been seeking producers to tenant their lots, so that what may be motivating such a prospective transaction as merging is not clear.

Such a matter has been discussed from time to time, but latest accounts would have it that the matter is now greatly advanced with Prudential backing the merger.

Presumably Prudential will hold the controlling interest in the combined properties. Harry George, at present a London Films executive, is expected to become chairman of the new organization, with P. Stapleton and Capt. Richard Norton as ranking executives. Korda will maintain his own production organization, functioning separately.

Censor Row Flares In Parliament on Para. Reel Fight

(*Continued from page* 1)

had not been brought to the attention of the home office for action at any time as the matter was entirely within the province of the Paramount British newsreel and the material itself was not designed for use in this country.

A Paramount News official made substantially the same statement and asserted that the first knowledge of the incident at the newsreel office here was derived from a Motion Picture Daily dispatch from London, Sept. 26, reporting that the deletion had been made following "diplomatic and press protests."

The M. P. P. D. A. office here disclaimed any knowledge of the incident.

Holders Buy Coast Lab on $70,000 Bid

(*Continued from page* 1)

mon stock. All the preferred, 60,000 shares, will go to the creditors.

The only other bid, made some time ago and later withdrawn, was $65,500, entered by C. King Charney for Du-Art Film Laboratory of New York. The creditors had entered a protection bid of $65,500. International Cinema has about $207,000 in claims against it.

M. P. A. Dance Tomorrow

Motion Picture Associates will give their 19th annual dinner dance at the Astor tomorrow night. Many entertainers are scheduled to appear. Proceeds will be devoted to industry relief.

Loew's Criterion

It's now publicly "Loew's Criterion." The circuit has erected a new sign on the marquee proclaiming the circuit affiliation. Loew's assumed operation of the Broadway house some time ago in partnership with B. S. Moss.

Admission Levies Drop $612,346 in Four-Month Period

Washington, Nov. 24.—Admission tax collections from July 1 to Oct. 31 were $612,346 under those of the corresponding period last year, it was disclosed yesterday by the Internal Revenue Bureau.

Releasing its monthly collection report, the bureau announced that admission taxes collected in October were $1,596,367, compared with $1,668,827 in September and $1,966,617 in October, 1937. October was the seventh successive month in which collections were under those of the same period a year ago.

For the first four months of the fiscal year which began July 1, the bureau stated, admission tax revenues amounted to $6,309,070, compared with $6,921,416 last year.

Collections in the Third New York (Broadway) District fell in October to $285,506, as compared with $377,360 in September and $604,487 in October, 1937, the bureau reported.

Hardest hit were collections at the box-office, which dropped from $337,366 in September to $247,637 last month.

Briggs and Young Seeking Pathe Lab

(*Continued from page* 1)

65,866 2/3 shares of Monogram Pictures stock.

Book value of the assets to be acquired by Young's new laboratory operating company is $989,600, of which $331,122 is the laboratory valuation. A recent appraisal, however, fixed the present value of the latter at $245,000. The new company will invest $200,000 for working capital, and will assume $249,551 of liabilities, and contingent liabilities of $365,000, of which $68,750 is represented by Briggs' contract to June 30, 1941, at $25,000 per year. The new company will assume the four-year printing contract with RKO Pathe News and the three and one-half-year contract with Monogram.

The liquidation plan must be approved by 80 per cent of the stockholders and must be completed before Jan. 1.

W. B.-Cosmopolitan Deal Not Completed

Extension of Warners' releasing arrangement with Cosmopolitan Productions has not yet been agreed upon. Negotiations are in progress. Motion Picture Daily's story crediting Ed Hatrick as stating that the deal will be extended is erroneous.

NBC Basking In Spotlight Of F.C.C. Quiz

Tells Committee How to Run Television

Washington, Nov. 24.—Network operation will be the only way in which television can be operated at a profit, O. B. Hanson, chief engineer of NBC, yesterday told the F.C.C. monopoly committee, completing direct testimony on the development of broadcasting.

Television's chief usefulness, Hanson said, will be in covering news events. "To do this, television must leave the studio and reach out into the field, prepared to shoot an event no matter where it may happen," he said. This he saw as television's most difficult problem. Great obstacles are in the way of the formation of television chains, he said, in view of the medium's high program cost, with makeup, scenery and the complicated technique.

Hanson pointed out that no facilities exist for transmitting television material from city to city. The only two methods known, coaxial cable and radio relays are not yet fully developed, he said, as well as being very expensive.

NBC has spent $7,719,000 in the construction of 17 studio projects since 1927, Hanson testified, Radio City being the most ambitious with 28 studios. The large number is needed, he said, because every hour on the air has seven hours of rehearsal behind it. All told, NBC has 103 studios in 11 cities. Over a period of a year, it is sending out 56 programs simultaneously during the broadcasting day, and sometimes more.

Chairman McNinch of the F.C.C. halted Hanson's statement, saying the reading of a prepared statement was not the best way of presenting evidence. Hanson will be cross-examined when the hearing resumes next Tuesday.

U.S. Rubber Series Starts After Jan. 1

"One Hundred Men and a Girl," a new musical series featuring Raymond Paige and a 100-piece popular orchestra, the largest ever recruited for radio, and a girl singer as yet to be selected, is the choice of the U. S. Rubber Co. for a series to bow in on CBS after the first of the year.

Campbell-Ewald, agency for U. S. Rubber Co., contracted for the show late Wednesday. A deal for the title rights was made with Universal Pictures.

The girl vocalist who auditioned with the orchestra was Hildegarde the English singer, and it is believed that she will be the client's selection, although this is not definite.

U. S. Rubber's previous air program featured Ben Bernie.

Starting date and broadcast time for the new series have not been determined. However, it is assured the program will be on the air Wednesdays, 10 to 10.30 P. M.

Films Gather Resources to Aid Refugees

(*Continued from page* 1)

the pressing need for funds to aid the victims of Teutonic brutality.

In New York, film company art directors and publicity heads will meet at Sardi's on Monday to effect plans for a fund by which it is hoped to raise $50,000 through the public sale of art works donated by prominent American artists. Company executives are cooperating in this endeavor.

Several New York theatres are helping relief in a quiet way. The Fifth Ave. Playhouse last Sunday gave a special performance for the purpose.

Show people responded in their traditional spirit Wednesday night of last week when more than $100,000 gross was raised by the "Night of Stars" show at Madison Square Garden.

In Canada, Famous Players Canadian, headed by N. L. Nathanson, is setting aside box-office proceeds for the aid of the refugees. Nicholas M. Schenck, president of M-G-M, is sponsoring a special showing of "Pygmalion" at the Astor Wednesday night for relief purposes. A large invitation list is expected to respond.

The legitimate stage also rallied to the aid of refugees. Last Sunday "Abe Lincoln in Illinois" and "Knickerbocker Holiday" played special benefit performances with total proceeds for relief work. It is estimated that they earned about $5,500. Musicians are not asking compensation for performances and the stagehands are expected to vote a waiver of payment at a meeting on Sunday.

Even ticket brokers cooperated and contributed premiums received on the sale of tickets. A book auction will be held at the Hotel Plaza on Dec. 8. Manuscripts of plays, novels and other works will be auctioned off with the proceeds to go to the Joint Distribution Committee and the American Committee for Christian German Refugees. Among plays to be auctioned are Clifford Odets' "Rocket to the Moon" and Thornton Wilder's "Our Town."

Ethyl Gas to Have New Series on CBS

Another major network show has been garnered by CBS, with the signing of Andre Kostelanetz' orchestra and Walter O'Keefe by the Ethyl Gas Co. Batten, Barton, Durstine & Osborn handled the deal.

The series will be offered Thursdays from 10 to 10:45 P. M. The starting date still has not been cleared, although it probably will begin shortly after the first of the year.

Brandt Acquires Two

Harry Brandt has taken over the Fair in Jackson Heights and the Drake in Rego Park, Long Island, from Samuel Rhonheimer.

Alert,
Intelligent
and
Indispensab
to the Motic
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

V[illegible] 44. NO. 104 NEW YORK, MONDAY, NOVEMBER 28, 1938 TEN CENTS

M. P. PRODUCERS &
DISTRIBUTORS OF AM., INC
28 WEST 44TH ST.,
NEW YORK,
N. Y. 2148 (3 COPIES

Congressional Radio Inquiry Gains Headway

Slow Progress of F. C. C. Probe a Factor

Washington, Nov. 27.—Demand of Senator Wallace H. White, of Maine, for Congressional investigation of the radio industry is gathering strong support in view of the slow and, apparently, unrevealing nature of the Federal Communications Commission's present monopoly probe.

There are definite indications that Congressional members, regardless of party alliance, are lining up to support such an investigation, and that sentiment is growing to compel Congress to make an inquiry of the radio industry.

Introduction of at least one radio bill appears to be certain, in the next session. Senator Clyde L. Herring of

(*Continued on page 7*)

Newsreels Pooling For Coverage of Peru Conference

American newsreels will pool resources to give full coverage to the Eighth International Conference of American States at Lima, Peru, Dec. 9. Arrangements for the coverage are understood to have been completed at a meeting of the newsreel editors with Will H. Hays last week.

Frederic Ullman, general manager of Pathe News, is in charge of arrangements for the coverage. The reels drew lots to decide which would send crews to the conference, as a result of which 20th Century-Fox Movietone News and Hearst News of the Day (M-G-M) will send crews. Tony Muto, Movietone contact man; Fernando Del Gatto, cameraman, and Ben Box, soundman, have been assigned to the meeting by Movietone.

(*Continued on page 3*)

Talks on New Warner Product Start Today

Discussions on Warners' 1939-'40 production program start here today in conferences which will last all week between Jack L. Warner, production chief; Hal Wallis, associate executive in charge of production; Albert

(*Continued on page 3*)

Japan, Nazis Plan Exchange of Films

According to newspaper dispatches, production and interchange of autarchial and propaganda films between Japan and the Nazis is looked for in consequence of the recently signed accord between these countries on "cultural cooperation."

This pact, concluded in Tokio, at the instigation of Germany, specifically provides for an exchange of films between the two nations. Details of the accord are to be determined later through the basic agreement of the two to systematically promote cultural relations in the domains of films, sciences, radio and youth movements.

Storm Plays Havoc With City's Takes, Upstate and Jersey

Sleet and snow wrecked holiday grosses on Thanksgiving throughout the city. New Jersey appeared to be the worst hit, with Long Island and upstate New York also badly affected. Holiday matinee business on Broadway Thursday was generally satisfactory, but evening business was far below par. Circuits operating in other parts of the city reported business at 30 to 40 per cent off last year's take and some New Jersey houses found business at about one-half that of last year. With school children vacationing on Friday, business mounted on Broadway, but other sections were not so fortunate.

Due to continued hazardous traffic conditions on highways and streets through Saturday, business at many houses which habitually draw the carriage trade continued under par over

(*Continued on page 3*)

WB Refunding Presently Shy $3,200,000

Harry M. Warner, president, in the Warner annual report issued last weekend, reports that $18,864,000 of the company's optional six per cent convertible debentures maturing in 1939 have been deposited, as of Nov. 23, on the New York Stock exchange for new debentures maturing in 1948.

This is under the plan of exchange submitted to the debenture holders last July. The total amount outstanding on that date was $29,400,000. Certificates of deposit will be exchangeable for 10-year bonds drawing six per cent interest upon the plan becoming effective.

The directors can declare the plan in effect when 75 per cent, or approximately $22,000,000, of the principal

(*Continued on page 3*)

Col. May Produce, Will Distribute in France and Algiers

Paris, Nov. 27.—With Jack Cohn, J. A. McConville, Joseph Friedman and Al Segal, here, there was revealed the possibility of Columbia Pictures undertaking production in France, while at the same time, definitely establishing a distributing organization of its own, in this country,

(*Continued on page 3*)

WPA Theatre to Lampoon Screen on 50th Anniversary

Chicago, Nov. 27.—Coincident with the observance of the 50th anniversary of the motion picture early next year, the Federal Theatre project for the midwest is planning to put $150,000 into a production lampooning the film industry by turning a spotlight on its ancient foibles and failings.

John McGee, director of the project, returned recently from New York discussions of the production and set Feb. 15 as its tentative opening date. The play will be based on Emmett Lavery's and John McGee's "Horse Opera," but will be extensively rewritten. Eight persons are now engaged in research work on the film industry to this end. More are being assigned to study and follow developments in connection with the Government antitrust suit against the industry in an

(*Continued on page 3*)

FILMS-TELEVISION SHOWDOWN IN 1940

Academy Report Views The Two Arts as Definitely in Competition

Hollywood, Nov. 27.—In the opinion of the Research Council of the Motion Picture Arts and Sciences, there is the possibility of ultimate competition in the production field between television and film interests. However, a definite check on television's effect on films may not be had until 1940, one year after the first test of public response. This diagnosis of the situation is contained in substance in the third annual report on television by the Academy committee.

In its report the committee views television as being on the verge of

(*Continued on page 7*)

Walt Disney's Mother Found Dead in Home

Los Angeles, Nov. 27.—Mrs. Flora Disney, mother of Walt and Roy Disney, was found dead in her North Hollywood home on Saturday from inhalation of what police said were fumes from a faulty gas heater. Mrs. Disney was 71. Disney's father, Elias, 73, and a housemaid employed by the family, were found unconscious and in serious condition in the home. They were removed to Hollywood Hospital.

The Disneys would have celebrated their 51st wedding anniversary Jan. 1.

Para. All-American

Performances of the country's leading football players, as caught by Paramount newsreel cameramen in 100 key games and 250,000 feet of action football film, resulted in the Paramount News All-American, as selected by Al Richard, editor, Bill Slater and the sports staff. The team:

L. E.—Brud Holland, Cornell; L. T.—Ed Beinor, Notre Dame; L. G.—Harry Smith, U. S. C.; C.—Ki Aldrich, Texas Christian; R. G.—Ralph Heikkinen, Michigan; R. T.—Al Wolff, Santa Clara; R. E.—Waddie Young, Oklahoma; Q. B.—Davey O'Brien, Texas Christian; L. H. B.—George Cafego, Tennessee; R. H. B.—Bob MacLeod, Dartmouth; F. B.—Marshall Goldberg, Pittsburgh.

Purely Personal

FRANKLYN WARNER, who planed to Hollywood Friday, is expected back in New York tomorrow to complete arrangements for the transfer of Fine Arts' assets to Grand National. Warner's own future plans are still indefinite.

•

N. L. Nathanson, head of Famous Players-Canadian, who was in New York for a few days conferring with Y. Frank Freeman, Paramount vice-president, returns to Toronto today.

•

Harold Winston, assistant manager at Loew's Poli, Worcester, sailed Saturday on the *Borinquen* for Porto Rico where he will manage the new Metro in San Juan, to open Dec. 20.

•

C. C. Moskowitz of Loew's and Mrs. Moskowitz were hosts at their annual Thanksgiving party to the circuit's executives and district managers and their families.

•

Ernest Emerling of Loew's advertising department is visiting Akron, Canton, Toledo and Cleveland on the circuit's advertising plans. He will return in a week.

•

Douglas Fairbanks and Mrs. Fairbanks sailed for London Saturday on the *Normandie*. They plan to return here shortly after the first of the year.

•

Ken Murray has finished "Swing, Sister, Swing" at the Universal studio and is due here for a Paramount stage engagement starting Wednesday.

•

Jacques Deval, French playwright, and Miles Bouveng, Eastman Kodak executive, were passengers on the outgoing *Normandie* Saturday.

•

Mrs. Mark Ostrer, wife of the Gaumont British executive, sailed Saturday on the *Normandie* after a visit with relatives here.

•

Cecil Humphreys, English actor, left over the weekend for the coast to appear in Samuel Goldwyn's "Wuthering Heights."

•

Ned E. Depinet and Jules Levy of RKO are among those attending the H. M. Richey testimonial dinner in Detroit tonight.

•

Mort Blumenstock, Warners' eastern advertising and publicity head, returns to his office today from a Caribbean cruise.

•

C. J. Van Niel, comptroller general of Eastman Kodak Co. and Mrs. Van Niel have returned from Europe.

•

William R. Ferguson, M-G-M exploitation manager, returned over the weekend from a field trip.

•

Hunt Stromberg, M-G-M producer, arrives today from the coast for story conferences.

•

Jane Bryan, Warner actress, will return to the coast late this week.

•

David O. Selznick plans to leave for the coast today.

Insiders' Outlook

BELIEVE it or not, "Angels With Dirty Faces," opening simultaneously around the country, on Thanksgiving Day, exceeded the grosses of "Robin Hood" (released May, this year), in 50 comparative spots, reporting to Warners, as of Friday, last. Here are 20 "samples" taken at random, according to W. B. tabulations:

Strand, Albany, "Angels" topped "Robin Hood" by $391, doing $1,694 for the day; Victory, Dayton, "Angels" did $1,785, beating "Hood" by $848; Regent, Springfield, Ohio, "Angels" grossed $960, topping "Hood" by $439; Branford, Newark, "Angels" did $6,088, beating "Hood" by $1,689; Stanley, Jersey City, "Angels" did $5,692, topping "Hood" by $2,422; Ohio, Canton, "Angels" did $1,058, beating "Hood" by $311; Warner, Memphis, "Angels" did $2,402, beating "Hood" by $1,240 and setting a new record; Warner, Milwaukee, "Angels" did $2,736, beating "Hood" by $1,133; Roger Sherman, New Haven, "Angels" did $3,204, topping "Hood" by $152; Orpheum, New Orleans, "Angels" did $2,372, topping "Hood" by $1,057; Aldine, Wilmington, "Angels" grossed $2,109, topping "Hood" by $931; Colonial, Richmond, "Angels" did $1,494, topping "Hood" by $471; Penn, Pittsburgh, "Angels" did $3,371, beating "Hood" by $828; Capitol, Wilkes Barre, "Angels" did $2,366, topping "Hood" by $1,251; Aldine, Wilmington, "Angels" did $2,109, beating "Hood" by $931; Fabian, Paterson, "Angels" did $2,805, beating "Hood" by $1,746.

At the Fox, St. Louis, "Angels" did $4,692, topping "Green Light" by $3,423. "Robin Hood" played at another house. At Kansas City's Orpheum, "Angels" netted $2,345, reportedly the best single bill gross in the history of the house. At the Fox, Philadelphia, the film set a 10-year record with $6,750.

▼ ▼

Metro may be adopting the "arty" formula for showing "Pygmalion," its British-made film, around the country. The company proposes to place the film in particular keys at popular prices for long runs. That's how it will be shown at the Astor, Broadway, too. In this way Metro can give the picture "special pre-release showings" before shooting the film out on general release.

▼ ▼

Mention of Paramount's reported $50,000 investment in DuMont Laboratories by Paramount, as contained in the television report of the Scientific Committee of the Research Council of Motion Picture Arts and Sciences, brings to mind that Paramount obtained 14,000 of DuMont's outstanding 70,000 shares, in that transaction, an amount equal to that presently held by DuMont, himself. Remainder of the shares is in other hands, but Paramount, it is understood, under certain conditions can acquire additional shares in DuMont up to 50 per cent control.

▼ ▼

Warners say an advertising budget of $75,000 has been fixed for "Heart of the North," a color production, set for release Dec. 10. A full page color ad in the *American Weekly* will highlight the campaign. An advertisement which will mention local theatres where the film is booked also will be used. Fan magazines and newspapers in key cities will carry ads.

▼ ▼

Alexander Korda may make two Hollywood films. One of these might be "Pocahontas," with Merle Oberon.

Court Awards Alger $27,500 in RKO Fees

George Alger, special master who rendered the report approving the RKO proposed plan of reorganization now under consideration by Federal Judge William Bondy, has been awarded $27,500 for services rendered from November, 1936, to date by Judge Bondy. The allowance did not specify whether any further fees would be granted.

Chemical Bank & Trust Co., as trustee, under the RKO collateral note indenture, has been ordered by Judge Bondy to pay Irving Trust Co., RKO trustee, $5,512, which the latter will turn over to Wickes, Neilson & Ridell, attorneys, and Price, Waterhouse & Co., accountants, for fees.

Mulvey, Farnol to Studio Wednesday

James Mulvey, eastern representative for Samuel Goldwyn, and Lynn Farnol, United Artists advertising and publicity director, will leave for the coast Wednesday following a scheduled meeting of the United Artists board. Mulvey will confer with Goldwyn. Farnol will confer on advertising plans for the company's new product.

E. Garly, Actor, Dead

Hollywood, Nov. 27. — Edward Garly, veteran stage and screen actor, is dead here following a heart attack which he suffered while rehearsing a dance routine at a movie studio.

Freeman to Leave For Studios Today

Y. Frank Freeman will leave for the coast by train today to take over his new post as head of the Paramount studio. He will be accompanied by members of his family, with the exception of Frank Freeman, Jr., who remains here for an additional two or three weeks to wind up [illegible] sonal and business affairs.

Freeman will establish his residence at the Beverly Hills Hotel. He does not plan to come east for the holidays.

Adolph Zukor, Paramount board chairman, whom Freeman relieves at the studio, postponed his departure from Hollywood and is not expected in New York now until the end of the week. His departure for London to take over his new post as head of Paramount's European operations has been postponed to shortly before Christmas. Zukor is remaining here to attend the next meeting of the Paramount board, Dec. 8, and to confer with John W. Hicks, vice-president and foreign manager, who is expected back from London during the next two to four weeks.

Albion Operations Start After Jan. 1

Albion Films, Ltd., new producing company formed by Douglas Fairbanks and Montague Marks, with distribution through United Artists, expects to start operations shortly after the first of the year.

Fairbanks and Marks sailed Saturday on the *Normandie* after several weeks of conferences in New York and Hollywood. They expect to return here in January. Meantime, the two will confer with financial associates in London and Switzerland.

Dismiss Collins M-G Suit

Charges by Dolores Lacy Collins, widow of Jimmy Collins, who wrote "Test Pilot," that the M-G-M film infringed on her husband's book has been dismissed by Federal Judge Alfred C. Coxe. Judge Coxe declared that he had compared the book and film and found only "superficial similarities" which he described as "mere coincidences."

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco. New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: Motion Picture Herald, Better Theatres, Teatro al Dia, International Motion Picture Almanac and Fame.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

Col. to Distribute In France, Algiers

(*Continued from page* 1)

and Algiers. Columbia's thoughts on production, strangely enough, are given as running to English dialogers, as well as French.

The distributing organization to be established would have exchanges not [illegible] in this city but additionally in Lille, Marseilles, Lyons, Bordeaux, Strasbourg.

These revelations were made prior to Cohn's departure for the States, on the *Queen Mary*. While here, Cohn closed with Paul Graetz of Transcontinental Films, for Columbia's distribution of T. F. product.

Cohn was guest of honor before sailing at a dinner tendered him by Jean Zay, French Minister of National Education, in recognition of the aid to French films of the deals closed here. The dinner was attended by a large representation of Government departmental officials, Embassy aides and American and European trade executives.

Would License Child Attendance in Cincy

CINCINNATI, Nov. 27.—An ordinance has been introduced in the City Council prohibiting admittance of children under 16 to any theatre which does not have an appropriate license, to be issued annually by the City Treasurer at a cost of $2, and to be revocable by the City Manager for violation.

The license would restrict attendance during school hours, and in no event after 8 P. M. on nights prior to school days. The measure is designed to help prevent truancy.

Cohn and Paley Head Christmas Seal Sale

Jack Cohn, Columbia vice-president, has been appointed chairman of the Motion Picture and Theatre Division of the New York Christmas Seal drive. William S. Paley, president of CBS, heads the radio division, and Lucille Manners the radio entertainers' group.

Claim Darrieux

Paris, Nov. 27.—Danielle Darrieux may be prevented from returning to work in Hollywood during the next three years as a result of a ruling Saturday by the French Trade Arbitration Board on her two-year-old contract dispute with Producer Gregor Rabinovitsch.

The board ruled that Miss Darrieux must fulfill the three-year contract for her exclusive services which she made with Rabinovitsch in 1936. She may, however, accept outside work with his permission. He plans to start a picture with her in Paris in June.

22 Shows on Bway.

"Soliloquy," a psychological study of a white collar worker who becomes involved in a murder, by Victor Victor, opens tonight at the Empire. Production is by H. Weissmann and staging by Eugen Schulz-Breiden. Also set for tonight is the start of the repertoire of 10 French plays by Theatre Des Quatre Saisons at the Barbizon-Plaza.

Closing on Saturday of "You Never Know" after 78 performances and "Ringside Seat" after 7, left a total of 22 plays on Broadway. Other openings due this week are: "Lorelei" tomorrow at the Longacre, "Great Lady" Thursday at the Majestic, and "American Landscape" Saturday at the Cort.

Storm Plays Havoc With City's Takes, Upstate and Jersey

(*Continued from page* 1)

the weekend. The Music Hall, with "Sixty Glorious Years," finished the week with around $50,000, poor for the house.

"Angels with Dirty Faces" got off to a good start at the Strand with $7,800 for its first day Friday. Ted Lewis on the stage was a strong attraction. "Brother Rat" finished its third week with an estimated $26,000. First week of "Submarine Patrol" at the Roxy drew an estimated $44,400. At the Paramount, "Arkansas Traveler" appears likely to do $36,000 when the second week ends tomorrow. Gross of $22,500 was estimated for the third week of "The Citadel" at the Capitol. Opening date of "Pygmalion" at the Astor, which has been shifted several times, and was last scheduled for Dec. 1, is still uncertain.

Talks on New Warner Product Start Today

(*Continued from page* 1)

Warner, S. Charles Einfeld, advertising and publicity head, and Gradwell L. Sears, general sales manager.

Jack Warner arrived late last week with Mrs. Warner from England. Wallis got in from the coast yesterday. They will leave for Hollywood on Saturday with Einfeld. The remaining films on the current program will also be discussed.

Warner on arrival said he had purchased "Called Back" by Paul Conway, British novelist.

Richey Dinner Tonight

Several RKO executives, as well as many others representative of the industry, will attend the Variety Club testimonial banquet in Detroit tonight for Henderson M. Richey, who recently became RKO director of exhibitor relations. Richey formerly was an independent exhibitor leader in the Detroit area.

Newsreels Pooling For Coverage of Peru Conference

(*Continued from page* 1)

News of the Day will send Carl Bockhurst, cameraman, and Charles Peden, sound man. The material will be available to all reels, which will share the expense of the coverage.

Insofar as could be learned at home offices and M. P. P. D. A. headquarters, the newsreel contingent will be the sole representation of the film industry at the conference. Washington reports, purportedly emanating from the State Department, to the effect that the Hays organization would send a "large delegation" to the conference as a good will gesture to forestall the spread to Latin American countries of the nationalistic curbs on American pictures which have closed or restricted a number of European film markets, were denied at M. P. P. D. A. headquarters.

To Ask Details in Chicago Trust Suit

CHICAGO, Nov. 27.—Robert Gelding, attorney for Balaban & Katz, will ask for a bill of particulars when the Government trust suit against the circuit and major distributors comes up tomorrow before Federal Judge Woodward.

Extension of time for filing answers after the bill of particulars is received also will be requested. It is understood that there will be no objection to a two-week extension.

Quiz City Officials Nov. 30 in Tax Fight

Industry attorneys will begin examination of city officials Nov. 30 in a move to oppose a levy of more than $100,000 in interest and penalties assessed by the City Comptroller for the 18 months during which distributors did not pay the two per cent city sales tax. Arthur Schwartz of Schwartz & Frohlich will examine Louis Goodgold of the city comptroller's office.

Recommend Spread of London Seating Rule

LONDON, Nov. 27. — England's County Councils' Association has decided to recommend to all county councils in the country the adoption of theatre seat price regulations similar to those recently passed by the London County Council.

The London regulations provide that a theatre seating plan be prominently displayed in the lobby, with seat prices designated, forbid change of price for designated seats from the posted admission, and indicate in the lobby the number of vacant seats in the house to avoid standing by patrons. The Cinematograph Exhibitors' Association is waging a vigorous fight against the regulations, and a court battle is likely, while attorneys have advised members it will set a bad precedent to accept 1939 licenses embodying the regulations.

WB Refunding Presently Shy $3,200,000

(*Continued from page* 1)

amount of the outstanding debentures have been deposited. The plan becomes effective automatically when 95 per cent are deposited. The present deadline for depositing debentures for exchange is Dec. 1, but the company reserves the right to extend it.

The company reported net profit of $1,929,721.32 for the year ending Aug. 27, compared with an operating net of $5,876,182 for the previous fiscal year.

This net, after providing for the current year's dividend on the preferred stock, is equal to 41 cents a share on the common stock, after deducting shares held in the treasury. The previous year's common dividend was $1.48 per share. No dividends have been paid on the preferred stock since March, 1932.

Gross income for the fiscal year was $102,205,911, compared with $100,516,498 reported in 1937 and $90,655,502 in 1936.

WPA Theatre Plans to Lampoon Screen

(*Continued from page* 1)

effort to discover "inside" information which may be turned to the play's purposes.

The project is negotiating with various laboratories for bits of old film which would be used to show how pictures were before the Legion of Decency and similar groups exerted an influence. Film executives and stars will be caricatured in the production. Masks to aid in identifying the characters will be used. The play will draw on burlesqued story conferences, nepotism and other subjects for its material. The aid of the industry was sought by W.P.A. theatre executives for the production, but was refused.

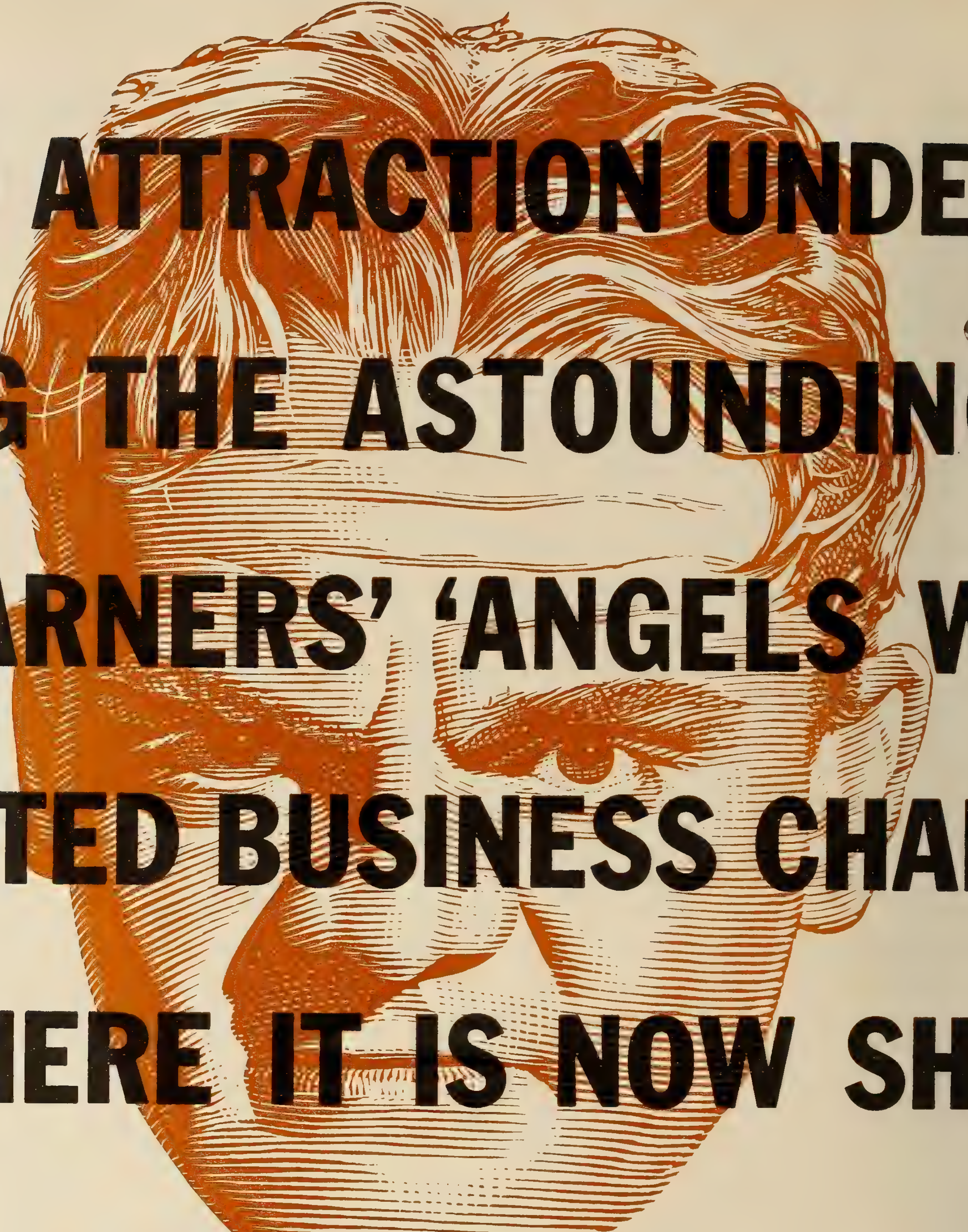
Depinet Will Address Carolina MPTO Meet

CHARLOTTE, Nov. 27.—M. P. T. O. A. of North and South Carolina may hear from Ned E. Depinet, RKO distribution chief, on the latest developments in connection with the formulation of an industry trade practice program, at its annual convention to be held here Dec. 4 and 5.

Depinet, a member of the distributors' negotiating committee, today wired his acceptance of an invitation to attend the meeting.

Hagen Liabilities Put at $2,500,000

London, Nov. 27.—Liabilities in excess of $2,500,000 were mentioned during a meeting of the creditors of Julius Hagen, producer. His present assets are valued at $250.



NO ATTRACTION UNDE
ING THE ASTOUNDING
WARNERS' 'ANGELS W
PUTED BUSINESS CHAM
WHERE IT IS NOW SHO

"ANGELS WITH
DIRTY FACES"
Starring
JAMES CAGNEY
PAT O'BRIEN
THE "DEAD END" KIDS
HUMPHREY BOGART
Ann Sheridan • George Bancroft
Directed by MICHAEL CURTIZ
Screen Play by John Wexley and Warren Duff
From a Story by Rowland Brown
Music by Max Steiner • A First National Picture

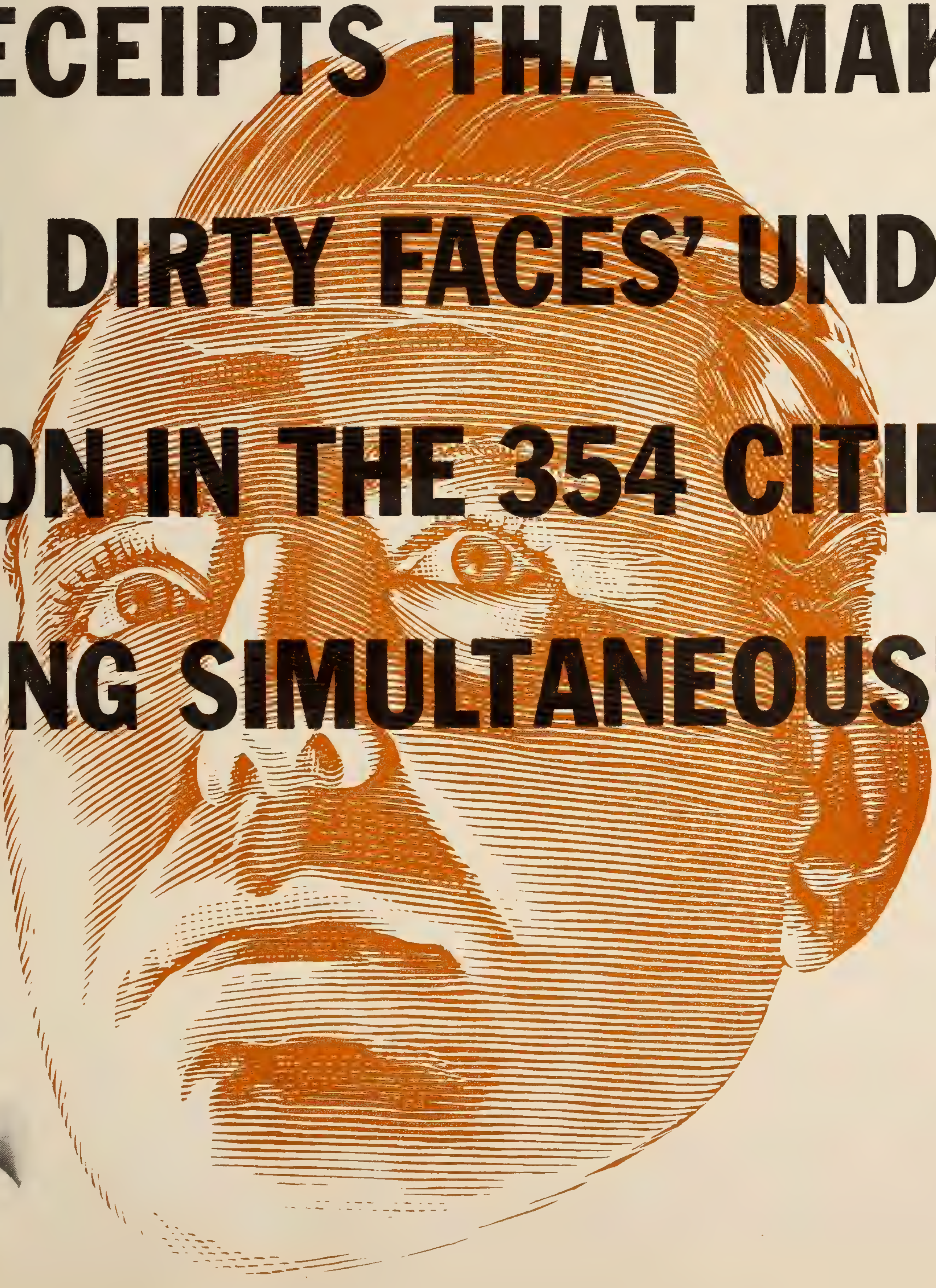
THE SUN IS APPROACH-

RECEIPTS THAT MAKE

TH DIRTY FACES' UNDIS-

PION IN THE 354 CITIES

WING SIMULTANEOUSLY



"King" Strong L. A. Grosser With $23,000

Los Angeles, Nov. 27.—"If I Were King" took the honors here, grossing a strong $23,000 at the Paramount. "The Citadel" was not far behind, comparatively, with $7,929 at the 4-Star.

The dual of "The Cowboy and the Lady" and "Torchy Gets Her Man" did well, taking $14,400 at the Hollywood and $15,800 at the Downtown.

Estimated takings for the week ending Nov. 23:

"Listen Darling" (M-G-M)
"Young Dr. Kildare" (M-G-M)
CHINESE—(2,500) (30c-75c) 7 days. Gross: $8,644. (Average, $12,500)
"Citadel" (M-G-M)
4 STAR—(900) (40c-55c) 7 days. Gross: $7,929. (Average, $3,250)
"Service De Luxe" (Univ.)
"The Storm" (Univ.)
HILLSTREET—(2,700) (30c-65c) 7 days. Gross: $5,650. (Average, $6,500)
"Listen Darling" (M-G-M)
"Young Dr. Kildare" (M-G-M)
LOEW'S STATE—(2,500) (30c-75c) 7 days. Gross: $11,030. (Average, $14,000)
"Service De Luxe" (Univ.)
"The Storm" (Univ.)
PANTAGES—(3,000) (30c-65c) 7 days. Gross: $5,300. (Average, $7,000)
"If I Were King" (Para.)
PARAMOUNT—(3,595) (30c-65c) 7 days. Stage: F. & M. revue, Kenny Gardner, Jimmy Edmundson, Rube Wolf & orchestra. Gross: $23,000. (Average, $18,000)
"The Cowboy and the Lady" (U. A.)
"Torchy Gets Her Man" (W. B.)
WARNER BROS. (Hollywood)—(3,000) (30c-65c) 7 days, 2nd week. Gross: $14,400. (Average, $14,000)
"The Cowboy and the Lady" (U. A.)
"Torchy Gets Her Man" (W. B.)
WARNER BROS. (Downtown)—(3,400) (30c-65c) 7 days. 2nd week. Gross: $15,800. (Average, $12,000)

JOIN THE GANG!

TIME . . . .
FRIDAY EVENING
DECEMBER 2nd

PLACE . . . .
GOLD ROOM
CONGRESS HOTEL
CHICAGO, ILL.

REASON . . . .
TESTIMONIAL
DINNER
for
JACK KIRSCH
Pres. Allied Theatres
of Illinois

ENTIRE PROCEEDS TO
FILM RELIEF FUND

for reservations wire
HENRI ELMAN
843 S. Wabash Ave., Chicago, Ill.

Hollywood Preview

"Pardon Our Nerve"

(20th Century-Fox)

Hollywood, Nov. 27.—"Pardon Our Nerve" is the third of the 20th Century-Fox Big Town Girls series and is easily tops of the group for entertainment. It is a farcical concoction of the adventures of two girls who, impoverished, seize upon a dull witted waiter and make of him a prize fighter. "Pardon Our Nerve" is 65 minutes of fast moving laughs, as the skillful direction of H. Bruce Humberstone leads the characters through the paces of the screenplay of Robert Ellis and Helen Logan.

Lynn Bari and June Gale are the "big town girls" again and in this they are supported by Guinn Williams, Michael Whalen, Edward Brophy, John Miljan, Theodor von Eltz, Ward Bond, Chester Clute, Helen Ericson and Tom Kennedy, a cast whose individual and collective efforts contribute no little to the entertainment. Hilda Stone and Betty Reinhardt wrote the original story for this Sol M. Wurtzel production.

Miss Bari and Miss Gale become the managers of a waiter, Guinn Williams, whom they make into a prize fighter. He is so dull witted that Miss Gale, who resembles Williams' sweetheart in Minnesota, must resort to the stratagem of having his opponent hit her in order to anger Williams. Having been built up, Williams is given a bout with the champion, but a crooked promoter kidnaps Miss Gale to prevent her from doing her ringside stunt. The real sweetheart turns up to save Williams.

Running time, 65 minutes. "G." Vance King.

"The Frontiersman"

(Harry Sherman-Paramount)

Hollywood, Nov. 27.—"The Frontiersman" again demonstrates Harry Sherman's superiority as a producer of westerns. It's a desirable show for almost any kind of audience, especially those partial to outdoor action entertainment. It provides showmen with much exploitation material.

A "Hopalong Cassidy" yarn, William Boyd, who has the usual assistance of his pals, George Hayes and Russell Hayden, has two problems to work out. One concerns his trailing of a gang of cattle rustlers and the eventual unmasking of the brain behind the gang. In this the customary thrills, action and excitement are provided. The other problem has to do with his attempt to straighten out a muddled school situation. This matter is humorously complicated when all the ranch hands, especially Hayden, fall in love with Evelyn Venable, imported to replace Emily Fitzroy. The singing provided in these sequences by the St. Brendan's boys choir adds much to the production's entertainment value. While Boyd, Hayes and Hayden take care of rustler Charles Hughes, and his cohorts, the hero, aided by Miss Venable, succeeds in reforming Dickie Jones.

Convincingly played and expertly photographed against many beautiful natural scenic backgrounds, "The Frontiersman" is fully up to the standard of any of its predecessors. The screenplay by Norman Houston and added dialogue by Harrison Jacobs accounts for considerable novelty and departure from formula. Lesley Selander's direction accentuates these qualities.

Running time, 72 minutes. "G."* G. McC.

"G" denotes general classification.

W. B. Christmas Party

Joint kiddie Christmas party will be held this year by the New York and Brooklyn Vitaphone studio Warner Clubs at the Vitaphone studio, Dec. 17. A circus has been arranged for entertainment. The committee includes John T. Holmes, Warner Club president; Ralph W. Budd, Harry Mayer, Stuart Aarons, W. L. Gates, Ann Martin, Morris Schiff, Irving Birnbaum and George O'Keefe.

Romero "Juarez" Advisor

Hollywood, Nov. 27.—Warners has signed Ernesto A. Romero, Mexican vice-consul, to act as technical advisor on "Juarez," starring Paul Muni and Bette Davis. Previously the script had been approved by President Cardenas of Mexico.

Phila. Trust Hearing Set

Philadelphia, Nov. 27.—Preliminary hearing has been set for Dec. 1 in the anti-trust suit brought by Herbert J. Elliott of the Fern Rock Theatre against 12 major producers and distributors. The Fried anti-trust case, which makes similar allegations against the Warner circuit, is expected to be heard the same day.

Goldgraben Takes Post

Harold Goldgraben of the M-G-M home office has taken over the position of office manager at the local M-G-M exchange. He succeeds Douglas Peck, who has been transferred to the home office checking department. Goldgraben has been with the company 10 years as a theatre and traveling branch auditor.

"Traveler" Leads Oklahoma City's Takes at $5,800

Oklahoma City, Nov. 27.—"The Arkansas Traveler" pulled down the best gross here, with a neat $5,800 at the Midwest, in a week of only fair business.

"You Can't Take It With Y[illegible]" in its fourth week at the State, was good for $3,000. Weather was warm with no outstanding competition.

Estimated takings for the week ending Nov. 15-17:

"The Arkansas Traveler" (Para.)
MIDWEST—(1,500) (25c-35c-40c) 7 days. Gross: $5,800. (Average, $4,500)
'The Great Waltz" (M-G-M)
CRITERION—(1,500) (25c-35c-40c) 7 days. Gross: $5,000. (Average, $5,200)
"You Can't Take It With You" (Col.)
STATE—(1,100) (20c-25c-40c) 7 days, fourth week. Gross: $3,000. (Average, $3,000)
"Men With Wings" (Para.)
TOWER—(1,000) (25c-35c) 7 days. second week. Gross: $2,300. (Average, $2,500)
"Renegade Ranger" (RKO)
"Vacation From Love" (M-G-M)
LIBERTY—(1,200) (20c-25c) 4 days. Gross: $1,800. (Average, $1,800)
"Sons Of The Legion" (Para.)
"Torchy Gets Her Man" (W. B.)
LIBERTY—(1,200) (20c-25c) 3 days. Gross: $650. (Average, $700)

La Paz Government Is Looking for Operator

Mexico City, Nov. 27.—Government of Lower California Territory desires to put in operation a theatre which it owns in La Paz, the capital. The house is offered for lease for five years. The lessee must put up $2,400 to guarantee tenancy for that period and agree to permit the house to be used one day a week for patriotic purposes.

The exhibitor must also pledge himself to maintain a union projectionist and treat him in accordance with the Federal labor laws and to exhibit at least one first class Mexican-made picture a month.

Boost Process Capital

Sacramento, Nov. 27.—Permission has been granted by the Secretary of State to Motion Picture Process Corp. to increase its capitalization from $25,000 to $300,000. Expansion plans include development of the commercial department of the company, officers of which are John Gentile, president, Mario Castegnaro, vice-president and treasurer, and Bertha Castegnaro, secretary. Process Corp. in Hollywood, is principally engaged in supplying process shots to studios.

Rep. Moves in K. C.

Kansas City, Nov. 27.—Republic-Midwest exchange, under Robert F. Withers, and Commonwealth Amusement Corp., has moved into its new building on 18th St. here. RCA has moved into the same building. Grand National is taking over the quarters vacated by Republic, and moving in with Grand National are the offices of the Kansas-Missouri Theatres Association.

Normandie French Film

First film to be booked into the Normandie, which is set to open Nov. 30, will be Tri-National's "Sacrifice d'Honneur," a French production with English titles.

See Effect of Television on Films by 1940

(*Continued from page* 1)

[illegible]ition from an experimental to a commercial stage. It sees "definite entertainment quality" in the medium now. This transition, if it occurs, will be without "revolutionary effect" on the film industry during the next two years because of television's "complexity" and the "magnitude of its artistic and financial problems."

Noting that regular transmission service and receiving sets in a number of types and sizes will be available to the public next year, the committee cites mediocre program material as its greatest entertainment handicap at this time. It concedes, however, that this defect is "remediable."

Of the Farnsworth system demonstration last summer, here, the report has this to say:

"The picture was bright and had considerable entertainment value on close-ups. The longer shots were not as effective."

Criticizes RCA Transmissions

Of the current RCA-NBC transmissions in New York, it says: "Although too small for convenient viewing, the pictures are bright and sharp and carry sufficient detail to depict emotions when rather broadly played in close-up or semi-close-up. Medium and long shots merely show the figures and are used mainly for entrances, exits and establishing settings. When the (televised) material has been up to the mark the results have been definitely entertaining, even with the small screen."

Of recent international developments in television engineering the report observes that "Progress is slow and laborious, but steady. In general, the advances listed by the foreign field are either results of American invention or they can be duplicated here whenever it becomes expedient." It also observes that despite "notable progress" in England during the last two years on the technical side and in the quantity and quality of programs, little commercial advance has been made there. Comparing the estimated 3,000 to 4,000 receivers with England's 10,000,000 population within the transmission service area, it finds this to be a "melancholy showing."

Says Market Is Waiting

"Yet no one conversant with the situation as a whole can or does regard it as an evidence of failure," the report states. "The reason is that while sales have lagged, public interest has been sustained, and where there is interest there is a potential market."

On cost, the Academy experts believe that the financial responsibility which the bigger interests in the television field have to radio constitutes a "protection, if one is needed, for the other entertainment industries, as well.

"The strongest interests in the television field cannot afford to ignore their very own substantial stake in the business of aural broadcasting."

In addition to Carl Dreher, members of the council's scientific committee are Gordon Chambers, L. E. Clark, J. G. Frayne, Barton Kreuzer, Wesley C. Miller, Hollis Moise, William Mueller and Gordon S. Mitchell, council manager. Major Nathan Levinson of Warner Bros. is acting chairman of the council.

Public Response

Hollywood, Nov. 27.—First sample of public reaction to a sale of television receivers is described in the report of the Research Council of the Academy as follows:

"In June of this year a number of New York department stores demonstrated television reception, using the Empire State transmissions. The pictures were mostly in the 5 x 4-inch range and the receivers were priced at $195 to $225. Public interest was aroused but only a few sales were reported. The flurry ended when the transmitter shut down for adjustments."

Briton Wary on Television

The current stir in this country over television seems to be "much ado about nothing," in the opinion of Carlton L. Dyer, managing director of the Philco Co. of Great Britain, now in this country.

England, he states, has had "good" television for the past two years, yet less than 4,000 home television receivers have been sold. This indicates a lack of interest in television on the public's part, he states.

He is of the belief that television ballyhoo at the present will be harmful to the new art. If the public is led to expect too much at the start, he states, it will prove to be a tremendous financial, industrial and artistic disappointment.

Obstacles in the path of television which yet remain to be overcome are the extremely short distance of transmission, manifold sources of interference, and the cost of erecting transmitters.

However, he predicts a much more rapid rise for television in America than in Britain. This, he explains, is because television development here is in private hands, rather than in Government hands, as in Britain. He believes that national acceptance of television, here and elsewhere, is at least five years off.

Crosley Warns of Ballyhoo

CINCINNATI, Nov. 27.—"Pictures comparable to those in theatres can be expected to only a very limited extent by television for years to come, and it is certainly a mistake to ballyhoo television to the public beyond honest statement of facts," declared Powel Crosley, Jr., president of the Crosley Corp., operating WLW, WSAI and W8XAL.

"Technically, television has arrived, and satisfactory pictures can be transmitted up to 50 miles, but it should be offered to the public with a clear understanding of the program limitations. Production costs and finding a source of sustaining revenue present problems which will require several years to solve. The initial cost of television receivers, and the service limitation to large cities, plus the tremendous expenditure involved are bound to limit sales," he said.

Blue Revenue for October $901,376 Red Is $2,872,588

Having stated at the F. C. C. monopoly hearings that the Blue network was conducted as a separate service from the Red, NBC now is making available separate revenue totals for each network.

Revenue of the Blue network for October, 1938, it is learned, amounted to $901,376. This compares to the Red network total, for the same month, of $2,872,588. All told, therefore, for October, 1938, NBC business totaled $3,773,964.

Because the breakdown of the business for the two networks is on a new basis, no comparison for the Blue network business is possible, although it is believed that this is the first time that revenue of the Blue network passed the $900,000 mark.

Self-Regulation of Radio to Be Talked

WASHINGTON, Nov. 27.—National Association of Broadcasters, moving on a suggestion made by David Sarnoff, president of RCA, has moved to formulate a code of self-imposed regulation for the broadcast industry. A committee of leading broadcasters will meet in New York City Dec. 5 to consider recommendations which it will bring to the board of directors of the NAB in Washington, Dec. 12 and 13.

The special committee to meet in New York Dec. 5 will consist of Neville Miller, president of the NAB; Ed Klauber, CBS executive vice-president; Lenox Lohr, NBC president; Ted Streibert, Mutual vice-president; Paul Morency of WTIC, Hartford; Edgar Bill, WMBD, Peoria; and Ed Craney, KGIR, Butte.

Trammell Appointed NBC Executive V. P.

Niles Trammell, vice-president in charge of the central division of NBC, has been promoted to executive vice-president in New York. He will come to New York on Jan. 1 to take over his new duties.

Also promoted to a vice-presidency was Alfred H. Morton, who has been in charge of operations of NBC's owned and operated stations. Morton will assume his new duties immediately.

Trammell's successor in Chicago has not been appointed as yet.

Wagner Sponsors "Final"

"Five Star Final," one of the oldest news dramatization in radio, will be heard under new sponsorship beginning Dec. 4 from 9 to 9:30 P. M. over WMCA. The sponsor is the Wagner Baking Co. The contract is for 26 weeks.

Atlantic Radio Formed

ALBANY, Nov. 27.—Atlantic Radio and Television Corp. has been chartered to do business in New York state. Directors are Philip S. Glass, Mary Fracchia and Henry C. Schreiber, Long Island City.

Congressional Radio Inquiry Gains Headway

(*Continued from page* 1)

Iowa is even now working on a bill to establish a board of review for examination of programs. Herring's prospective proposal amounts to Federal censorship, but he has been a persistent critic of "wild" children's programs and other features. It is no secret that the industry is under criticism in Congress no less than Congress from time to time has been quite critical of the F.C.C., so such an inquiry ought to be a field day from every angle.

Senator White himself, it is said, will sponsor a measure calling for a study of the "outstanding" problems of radio. Presumably this will include chain ownership and control, newspaper control of stations, superpower, international broadcasting, libel responsibility of broadcasters and even patent ownership. That's a pretty broad program, and if such a bill ever comes up in Congress it probably will be a long time on the floor for discussion and disposal. It would not be surprising if the Congressmen found many other items for scrutiny, as they generally do once they get started—it will run from pins to crowbars.

Investigation of the F.C.C. has been disavowed by the Senator from Maine. However, it seems assured that any legislation which will be brought up opening the way for a radio probe is bound to get into the commission's activities and operations. Thus whatever internal friction there may be existing within the commission stands a chance of being investigated before the end of the present session. When the House Appropriations Committee meets in executive hearings on the F.C.C. budget for the coming fiscal year, the ground work for such matters may be laid.

Pancoast to Transcribed

Edwin A. Pancoast, Jr., formerly with Sound Reproductions & Transcriptions, Inc., has joined Federal Transcribed Programs, Inc., as vice-president of sales.

FILM CENTER BUILDING
Ninth Ave., 44th-45th Sts.
A ★★★★ Building
For the Motion Picture Industry
★ Lowest insurance rates.
★ Projection and inspection rooms.
★ Vaults.
★ Interior shipping platform.
Some buildings have some stars —this building has all stars.
For space apply
270 Madison Avenue New York
CROSS & BROWN COMPANY REAL ESTATE
Agent
Tel.: CAledonia 5-7000

[Brass Tack Talk]

What's your Screen worth?

Apparently it's worth plenty to those who want to buy it! Commercial advertisers place a high value on the use of your screen to sell their goods. So why shouldn't you do the same?

That screen is YOUR best advertising medium–it can be your best ticket-seller. Don't waste it by using unshowmanlike trailers.

A good trailer on your screen is the lowest-cost advertising you can buy. Ever stop to think how little National Screen Service costs?

When the BEST is so cheap, there is no economy in using make-shift stuff on that valuable screen. In fact, that is extravagance and unfair to your box-office!

National Screen Pre-vues are built to sell tickets–by showmen who have studied screen-salesmanship for years.

JOIN THE 12,000 EXHIBITORS NOW USING THE BEST—NATIONAL SCREEN SERVICE PRE-VUES!

NATIONAL SCREEN *Service!*

ATLANTA ..... 167-73 Walton St., N.W.
BOSTON ..... 36-38 Melrose St.
CHARLOTTE ..... 219-21 Mint St.
CHICAGO ..... 1307 So. Wabash Ave.
CINCINNATI ..... 119 West Central Pkway.
CLEVELAND ..... 2336 Payne Ave.
DALLAS ..... 2012-16 Jackson St.
DENVER ..... 2144 Champa St.
DES MOINES ..... 1003½ High St.
DETROIT ..... 2949 Cass Ave.
KANSAS CITY ..... 1706 Wyandotte St.
LOS ANGELES ..... 2018 So. Vermont Ave.
MEMPHIS ..... 500 So. 2nd St.
MINNEAPOLIS ..... 1105 Currie Ave.
NEW ORLEANS ..... 1431 Cleveland Ave.
NEW YORK ..... 630 Ninth Ave.
PHILADELPHIA ..... 1201-07 Vine St.
SAN FRANCISCO, 168 Golden Gate Ave.
ST. LOUIS ..... 3318 Olive St.
SEATTLE ..... 2418 Second Ave.

WASHINGTON, D. C., 920 New Jersey Ave., N.W.

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 44. NO. 105 NEW YORK, TUESDAY, NOVEMBER 29, 1938 TEN CENTS

WB Refunding Is Extended To March 15

Plan Is Expected to Be Successful

Warner Bros. board of directors, yesterday, voted to extend to March 15, the time when holders might avail themselves of exchanging their presently held optional six per cent convertible debentures (due 1939) for new debentures (1948), under the company's refunding plan.

This is the third such extension, since the plan was first proposed. The previous time limit was Dec. 1.

It is expected that since the present debentures do not expire until September, 1939, that Warner Bros. shall succeed in obtaining the required amount to put through the plan of

(*Continued on page* 8)

Columbia Quarter Net Loss $233,612

Net loss of $233,612, after all charges and provision for Federal and other taxes, is reported by Columbia for the first quarter of its fiscal year, ended Sept. 24.

At the end of the period the company's working capital amounted to $10,740,000, of which approximately $2,300,000 was in cash. Gross income for the quarter amounted to $4,469,770; amortization of production costs, $2,803,631, and general, administrative and selling expense was $1,590,841. Ratio of current assets to current liabilities is over eight to one.

Repeat Program

San Francisco, Nov. 28.—Glenn Dolberg, NBC program director here, got his cues mixed at his own wedding. Although the license was obtained on this side of the bay, Dolberg and Eleanor Rennie, contralto, were married in Oakland. When the minister signed the license he noted the mistake, and the entire wedding party motored across the bridge for a second ceremony.

Balaban Ordered To Appear in US Contempt Action

Chicago, Nov. 28.—Federal Judge Woodward today set Thursday, Dec. 1, as the date for hearing motions by defense attorneys for a bill of particulars in the Government anti-trust suit against Barney Balaban, Paramount president; Balaban & Katz circuit and major companies except Columbia.

The court also ordered that Balaban appear in person. Considerable controversy arose over the Government attempt to impound letters and contracts between the majors and B. & K. until the trial. The documents are also being used in the trust action of Chicago independents against B. & K. Defense attorneys protested that Balaban's appearance would be difficult to arrange and unnecessary, but the Government's attorneys insisted and the court ordered it.

Robert L. Wright represented the Government today. The defense plans to ask the court to set Jan. 12 as the date for filing answers, it is understood.

Gainsborough Makes Quota Films for 20th Century-Fox

London, Nov. 28.—Twentieth Productions, Inc., British subsidiary of 20th Century-Fox, has closed with Gainsborough (Gaumont British) whereby the latter firm will undertake 20th Century's quota production requirements.

It is understood that 20th Century will require eight films which Gainsborough will make, and that for this purpose, an arrangement has been concluded by which these pictures shall be produced under 20th Century supervision, of course, at the Gainsborough studios.

Twentieth Century production, here, is under direct supervision of Robert Kane, who, it is granted will direct the entire arrangement.

Additionally, 20th Century obtains full access to and the employment, if needed, of all Gainsborough players, writers and even scripts. Also, Maurice Ostrer and Edward Black, Gainsborough producers, go along with the deal.

DIVORCEMENT IS SEEN IN 2 YEARS

Legislation or US Suit To Bring It About, Showmen Believe

If not by court action from the Government, divorcement will be here by legislation, within two years, some showmen believe, once the North Dakota separation statute is sustained by the U. S. Supreme Court, where it is now pending on appeal.

There is difference of opinion in the trade whether the companies should fight the New York anti-trust suit, or yield.

Among those involved, one big major company is so convinced that divorcement must come, that it is already busily engaged trying to find a way to separate its exhibition side from production and distribution, to retain exhibition only.

That North Dakota law has a lot to do with this attitude. It is believed that, once approval of the statute outlawing producer and distributor owned theatres in North Dakota is upheld in Washington, agitation will

(*Continued on page* 8)

Shareholders Sue To Halt Pathe Plan

In an effort to block a special stockholders' meeting called for Dec. 13 to consider dissolution of Pathe Film Corp., Anna Bashlow and 15 other stockholders filed suit in the N. Y. Supreme Court yesterday for an injunction to restrain the meeting. The complaint declares that Pathe will receive an inadequate exchange for its assets and asks that the stockholders be enjoined from voting approval of the resolution of the board of directors which was passed Nov. 19.

Together, the 16 stockholder-plaintiffs claim to hold 2,245 shares of stock. Named as defendants are Pathe, O. Henry Briggs, Henry J. Guild, Robert McKinney, Robert R. Young, Charles A. Stone, Louis Phillips and Gurdon Wattles. To take advantage of 1938 Revenue Law provisions, liquidation must be completed in December.

Coast Ready to Meet Andrews On Wage-Hour

Hollywood, Nov. 28.—Application of the Wages and Hours bill to film production is expected to be decided here this week when Elmer F. Andrews, national administrator, arrives. Andrews is scheduled to speak in Los Angeles Friday and is expected to confer with business leaders about the measure.

Meanwhile, a conference has been set for Wednesday between studio attorneys and union representatives to discuss possible revision of the basic labor agreements with five Internationals which provide for a 54 to 60 hour week. It is generally agreed that wages in the studios comply with the act's minimums, but different interpretations have been placed on provisions for maximum hours. Although there is no local office of the Wages and Hours Administration

(*Continued on page* 8)

Schaefer, Freeman, Blumberg on Coast

Hollywood, Nov. 28.—George J. Schaefer, RKO operating head, arrived today for his first visit to the studios since assuming control of the company. He may return to New York before Christmas.

Y. Frank Freeman, vice-president of Paramount, will arrive Thursday at the Paramount studio.

Nate J. Blumberg also arrived here today. He will spend two weeks conferring with studio heads on Universal's new product.

Boris Morros Out of Para. After 15 Years

Hollywood, Nov. 28.—Boris Morros, musical director and associate producer at Paramount, resigned today, effective Jan. 1. Morros joined the studio in 1936 and prior to that time was musical director and producer of stage shows for Paramount theatres for 13 years.

Radio—Page 7

Purely Personal

FRANK DONOVAN, Pathe News production manager, left yesterday for the Chesapeake marshes of Maryland to supervise a Sportscope on wild geese hunting. He will work with **Eltinge F. Warner**, publisher of *Field & Stream* magazine; **Joe Walsh**, Pathe sports editor, and a camera crew.

•

M. B. **Horwitz**, general manager of the Washington circuit, treasurer of I. T. O. of Ohio, and director of National Allied, is at Lakeside Hospital, Cleveland, with pneumonia.

•

Rouben Mamoulian will compare stage and screen techniques in a talk before the Columbia University film study class tonight at the Museum of Modern Arts Film Library.

•

Arthur A. Lee, G. B. vice-president and general manager, leaves today for the Buffalo, Cleveland and Detroit branches. He is due back the end of the week.

•

Robert Gillham, Paramount advertising and publicity director, will leave for another studio visit this week. He was there only three weeks ago.

•

George Sherman, Republic producer who has been vacationing here, leaves for the studio tonight to start his fifth "Mesquiteers" film.

•

Charles E. McCarthy, 20th Century-Fox advertising and publicity head, is due back Thursday from a Caribbean cruise.

•

William F. Barrett, G. B. home office representative, left yesterday for a two-week visit to midwestern exchanges.

•

Arthur Dickinson of the M.P.P.D.A. returned to New York yesterday from a tour of midwestern and eastern exchanges.

•

Jack Skirball, Grand National production executive, has delayed his trip to the coast until Friday.

•

Leonard Schlesinger, Warner executive, returned yesterday from a Bermuda cruise.

•

Y. Frank Freeman left for the coast yesterday.

•

David O. Selznick left for the coast by train yesterday.

MITCHELL MAY, Jr.
CO., INC.
•
INSURANCE
Specializing
in requirements of the
Motion Picture Industry
75 Maiden Lane, New York
510 W. 6th St. Los Angeles

Out Hollywood Way

Hollywood, Nov. 28.—**George Sanders** has been signed to play the lead in RKO's "The Saint" series, replacing **Louis Hayward**, originally scheduled. **Hayward**, who made the first of the series, is with **Edward Small**, preparing for the title role of "The Man in the Iron Mask." . . . **Wendy Barrie** has been signed by RKO for three pictures, first of which will be in "The Saint Strikes Twice" . . . **Jimmy Durante** is out of the cast of "Song of the West," M-G-M, because his Chicago night club engagement would not permit him to come to the coast . . . **Gale Page** will play opposite **Edward G. Robinson** in "Brother Orchid," at Warners.

Next of Warners' patriotic shorts will be "The Story of Benjamin Franklin," with **John Litel** as usual in a leading role, and **Crane Wilbur** will direct . . . Universal has placed **Robert Wilcox** and **Constance Moore** in "Forgotten Boys," which **Max Golden** will produce . . . **Frank Ross**, story editor for **Hal Roach**, becomes associate producer on Roach's "Captain Midnight," in addition to carrying on his other duties. **Brian Aherne** and **Victor McLaglen** will be starred . . . **George Raft** and **Dorothy Lamour** will be co-starred in Paramount's "Two Time Loser," original by **Arthur Sheekman**.

+

Casting—**Walter Connolly** to "Huckleberry Finn," M-G-M. . . . **Maxie Rosenbloom** to "Sweepstakes Winner," Warners . . . **Evelyn Keyes** and **Regis Toomey** to "Union Pacific," Paramount . . . **James Burke** and **Olin Howland** to "Dodge City," Warners . . . **Jane Wyman** to "Broadway Cavalier," Warners . . . **John Miljan** to "Oklahoma Kid," Warners . . . **Frank Mayo** to "Always Leave Them Laughing," Warners" . . . **Judith Allen** will appear opposite **Frankie Darro** in "Tough Kid," Monogram . . . **Billy Gilbert** to "The Awakening of Katrina," M-G-M . . . **Peggy Ryan** to "The Flying Irishman," RKO . . . **Maurice Moscovich** to "Love Affair," RKO . . . **Lionel Barrymore** draws a chief supporting role to **Nelson Eddy** in "Song of the West," M-G-M.

+

Contracts—Warners extend the contracts of **Vincent Sherman**, **Don Ryan**, **Aneas MacKenzie**, **Ivan Goff**, **Wally Klein**, writers, and **Ronald Regan**, player . . . M-G-M has extended the contract of **George Murphy**, player; **Norman Taurog**, director . . . **Andrew Stone** gets a one-year pact extension at Paramount as a director.

+

Writers—Paramount assignments: **Brian Marlow** on "Me and My Gal"; **Laura** and **S. J. Perelman** on "Campus Dormitory" and **Lewis Foster** on the **Gene Krupa** vehicle; **George Bruce** on "Navy Nurse" . . . **Anthony Coldeway** working on the script of Warners' "Student Nurse," and **Warren Duff** on "Glitter" . . . **Jack O'Donnell** is preparing "Probation Nurse," **Franklin Coen**, "Women Make News," **Michael Sheridan** and **Steve Vass** on "Capital Punishment," all at Republic.

+

Directors—Warners has assigned **William Clemens** to direct "Torchy for Mayor," **William McGann**, "Hell's Kitchen," **Noel Smith**, "Smashing the Money Ring."

Hollywood Preview

"Exposed"

(Universal)

Hollywood, Nov. 28.—Comedy, melodrama and romance are the chief elements of "Exposed." The three, plus the inclusion of several topical asides, are so put together that suspense contingent upon each is well developed. Able acting on the part of Glenda Farrell, Otto Kruger, Herbert Mundin, Lorraine Krueger, Charles D. Brown, Bernard Nedell and Richard Lane put life into the George Bilson story which Milton Gropper, Charles Kaufman and Franklin Coen adapted and which Harold Schuster directed.

The photographing of down-and-outer Kruger by Miss Farrell, candid-camera enthusiast, results in a libel suit for her and her picture magazine. The incident also starts Miss Farrell out on an unusual adventure. It leads her into palming off her dumb roommate, whose father, Kruger, a one-time prosecutor, had sent to the chair, as the executed man's daughter. But when Kruger makes partial amends to her by passing over the settlement money, which is quickly returned to the place from which it came, the troubles of the three really begin. A gangster, Nedell, discovers the fraud and threatens to shake down everybody. To get evidence on him, Miss Farrell begins photographing the depredations of the gang of which he is a minor member. All the excitement leads to the breaking up of a racket and forces a confession of the murder for which an innocent man was electrocuted. Love for the now re-established prosecutor causes Miss Farrell to forget all about taking pictures.

The film is keyed to situations where a lot of exciting thrill action, served up in fresh and unique style, a liberal amount of comedy and just enough romantic love interest are appreciated.

Running time, 60 minutes. "G."* G. McC.

"G" denotes general classification.

Short Subjects

"Defying Death"

(Vitaphone)

Story of slum clearance and the danger of slums are graphically portrayed by Floyd Gibbons. He finds a group of workmen destroying a tenement and tells the story of a woman who rescued her two children during a fire. Finding all avenues of escape cut off, she places the tots in p[illegible] slips and ties them around her neck. Then she escapes from the building via a clothes line. Gibbons intro[illegible]s the woman and the children [illegible]o actually experienced this adventure. Exciting and authentic. Running time, 12 mins. "G."*

"The Whalers"

(Disney-RKO)

Mickey Mouse, Donald Duck and the gang herein are whalers, with Donald the lookout, the horse in charge of the harpoon cannon. When the latter fires himself with the harpoon, lands in the mouth of the whale, and the beast is attacked with a violent fit of coughing, while Donald goes to the rescue, the result is another Disney laugh-provoker. Running time, 7 mins. "G."

"A Date to Skate"

(Fleischer-Paramount)

Popeye decides to teach Olive Oyl how to roller skate. After some trial trips around the rink, Olive gets the idea. Just as she has learned, however, Popeye crashes into her and the impact sends her careening through the city streets. The rescue efforts are funny. Running time, 7 mins. "G."*

"Puerto Rico— Land of Enchantment"

(Universal)

Interesting and well done, this Cook's tour of our island possession blends its history and modern features, and one gets the impression that it is a garden spot. The history goes back to the 15th century, to Columbus and Ponce de Leon. The landmarks are well described. Running time, 10 mins. "G."*

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president: Colvin Brown, vice-president and treasurer

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: Motion Picture Herald, Better Theatres, Teatro al Dia, International Motion Picture Almanac and Fame.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.: Boone Mancall, manager: William R. Weaver. editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square. W. 1: cable address, Quigpubco, London: Hope Williams, manager.

Entered as second class matter Sept. 23. 1938, at the post office at New York, N. Y.. under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

Sens"A"tional HARDYS

"Out West With The Hardys" with Lewis Stone, Mickey Rooney, Cecilia Parker, Fay Holden. Screen Play by Kay Van Riper, Agnes Christine Johnston and William Ludwig. A Metro-Goldwyn-Mayer Picture. Directed by George B. Seitz.

The new Judge Hardy Family picture "OUT WEST WITH THE HARDYS" in its first 34 engagements is the biggest M-G-M hit in a season of hits! It is doing the best business of the entire Hardy series, including the previous record-breaker "Love Finds Andy Hardy." It is beating "Boys Town", "Too Hot To Handle" and all the biggest M-G-M "A"ttractions!

(AS WE GALLOP TO PRESS! *"Out West With The Hardys" Held Over 2nd Week in 29 Out of 34 Openings!*)

Metro- Goldwyn- m"A"yer, the Friendly Company

Kent Heads Group Going West Dec. 8 For Product Talks

Sidney R. Kent, president of 20th Century-Fox, will head a home office delegation leaving Dec. 8 for the coast to attend a meeting with Darryl F. Zanuck, Joseph M. Schenck and other studio executives.

The 1939-'40 production budget and sales policies are expected to be set at the meeting, which is scheduled for Dec. 12 and is expected to last most of the week. This is the first instance in the history of the company that field executives have been called in to aid in directly setting the budget and deciding other plans for the coming year.

Zanuck will outline 1939 production plans, and films completed for release in the first quarter of the year will be screened. Sol M. Wurtzel will discuss plans for his films under the higher budget policy put into effect last week.

William Goetz will also participate in the meetings, which will be attended by division and district managers and others.

Jersey Allied Will Hold Meeting Today

Allied of New Jersey will hold a meeting today at the Cochrane House, Newton, as one of a series of meetings to be held outside New York.

New York Allied has scheduled a statewide meeting for next Monday at the Statler Hotel, Buffalo. Max Cohen, president, and others from New York will attend.

Roberto Soto Seeks Own Mexico Film

Mexico City, Nov. 28.—Roberto Soto, Mexico's fattest stage actor, who had a bit part in Paramount's "Tropic Holiday," has turned film producer. He is making "La Marcha Zacatecas" ("Zacatecas March"), story of Mexico's most stirring march.

Reel-Union Talks Set

Conference between M. P. Laboratory Technicians, Local 702, and Paramount Newsreel officials is set for today. The union seeks recognition and a closed shop for lab employes. Jack Rugge, president of 702, and Richard Walsh, of the I. A. T. S. E., will act on behalf of the union.

Miss Peck Ohio Censor

Cincinnati, Nov. 28.—Jessie Peck, Fostoria, has been appointed assistant censor by E. N. Dietrich, state director of education. The board has been functioning with only two members since March when the post of assistant censor, held by Edith Leutti, was abolished.

Dillon to Diamond House

Kansas City, Nov. 28.—Elmer Dillon, formerly with Warners, has gone to Arkansas City, Kan., to manage the Howard, which Gus Diamond recently acquired.

Rosenblatt in Georgia

Sol Rosenblatt spent the Thanksgiving Day holidays at Warm Springs.

Hollywood Preview

"Out West with the Hardys"

(M-G-M)

Hollywood, Nov. 28.—M-G-M had to devise a sure-fire plot for the Hardy Family picture to follow "Love Finds Andy Hardy" and found it in the good old-fashioned Western formula wherein an avaricious rancher seeks to acquire an honest neighbor's acreage by depriving him of his water supply. This is the deeply buried but efficacious foundation of the fifth unit in the Hardy series and upon it has been erected a series of incidents individually and collectively strong enough in human interest and humor to keep the preview audience completely captivated. To George B. Seitz, director, and to Kay Van Ripper, Agnes Christine Johnston and William Ludwig, a salvo for solving a difficult box-office problem triumphantly in the screenplay.

Prominently handled in the action are the experiences of Mickey Rooney on arrival at a ranch, his attempts to become a bronco buster, his repeated embarrassment by an 8-year-old girl (Virginia Weidler), expert in horsemanship, firearms and other manly pursuits, his heartbreak when disaster of his making overtakes her horse—a memorable sequence that brings spontaneous applause, after tears—and, as a sort of postscript to the picture proper, his readjustment of a misunderstanding with his steady girl, Ann Rutherford.

There are, additionally, several of those "man-to-man" talks between Rooney and Lewis Stone, each one packed with audience value, an amusing romantic interlude shared by Cecelia Parker and Gordon Jones as a robust ranch foreman, and a homely introductory passage in which Fay Holden registers soundly as a housewife bent on spring cleaning. Ralph Morgan and Nana Bryant portray effectively in little footage the ranch owners Judge Hardy goes West to rescue from threatened adversity.

The film is at its best in the western setting, which accounts for about 90 per cent of the running time.

Running time, 84 minutes. "G."* Roscoe Williams.

New York Preview

"Pygmalion"

(Pascal-M-G-M)

Sophisticated audiences may be expected to rave over this delightful whimsy. As translated for the screen by Gabriel Pascal with the directorial assistance of Anthony Asquith and Leslie Howard, who also stars, this first of Bernard Shaw's plays to be made into a film has disproved the sage's fears that picture producers are incapable of understanding the spirit of his work.

The story is basically the development of the Cinderella theme, but with an originality that contains many surprises to filmgoers. Many Americans, however, will find the English inflections hard going.

Howard is always master of his role as the impulsive Professor Higgins, specialist in phonetics, who accepts a challenge to transform a Covent Garden flower girl—guttersnipe, he calls her—into the social equal of Mayfair's best. But it is Wendy Hiller who will be hailed, for her ability no less than for her freshness and charm. She delivers an overshadowing performance as the wistful Cockney waif, Eliza Doolittle, who submits to the professor's molding of her into a lady.

Shaw's brilliant philosophizing becomes verbose at time, and this is the picture's only weakness, which the directors evidently sought to avoid by keeping camera and actors in motion. Viewed largely, the film emerges as a burlesque on English middle class manners and morals, literate entertainment done with near perfection.

Wilfred Lawson is priceless as Mr. Doolittle, and the other parts are excellently taken by a cast which is mostly renowned on the English stage.

Running time, 87 minutes. "G."* Al Finestone

**"G" denotes general classification.*

Remodel Ontario House

Toronto, Nov. 28.—Sam Ulster and Sidney Goldstone, Toronto independents, are remodeling the Royal in Peterboro, Ont., a 600-seat house which has been dark for years.

Aust, Brin Take House

Seattle, Nov. 28.—Paul R. Aust, owner of the Broadway, and L. K. Brin, former local Grand National branch manager, have acquired the Empress in Spokane.

Toys For Admission

New Haven, Nov. 28.—WELI here will cooperate with the Salvation Army by broadcasting a Christmas Party from the Auditorium, charging a 25-cent toy admission to the broadcast. Appeals for toys and clothing are also being made by the station, to be picked up by the Salvation Army.

Variety Club

Indianapolis

Indianapolis, Nov. 28. — Fred Greenberg, Warner branch manager, has been elected chief barker of the Indianapolis tent succeeding A. C. Zaring.

Other officers are Louis Stockman, first vice-president; Lawrence Shubnell, second vice-president; Al Blocher, treasurer, and Sol Greenberg, reelected secretary. Board of directors includes three past presidents, Zaring, Carl Niesse and Marc Wolf, with Wade Willman, Harry Markun, Earl Penrod, Claude McKean, Sam Gardner and Tom Baker.

Washington

Washington, Nov. 28. — A. E. Lichtman has been elected chief barker of the Washington Variety Club.

Hardie Meakin was named first assistant chief barker; Sidney Lust, second assistant chief barker; Harry Brown, secretary, and Sam Galanty, reelected treasurer. Ray Bell was renamed executive secretary and A. Julian Brylawski, the club's current chief, was voted delegate to the council of the national Variety Club.

Cincinnati

Cincinnati, Nov. 28.—Local tent is scheduled to have a house-warming upon completion of remodeling, which includes the addition of two adjoining rooms, with the event set for about two weeks.

Louis Wieth, of the suburban Bond, has been accepted as a resident member.

Cleveland

Cleveland, Nov. 28.—Nat Wolf, Variety Club chief barker, has appointed M. B. Horwitz head of the Charity Fund committee.

Assisting Horwitz on the committee are I. J. Schmertz, Frank D. Drew, Henry Greenberger, Herbert Ochs and Jack Shulman.

Otterson-Thomas Set

Harry H. Thomas, independent distributor, will handle eastern distribution of John E. Otterson's Tri-National Films releases under a partnership deal just completed. The deal is the first in Tri-National's plans for national distribution of its imported films.

Plan Carolina Theatre

Concord, N. C., Nov. 28.—North Carolina Theatres, Inc., will open a structure costing about $75,000.

READ WHAT HAPPENED!

SPRINGFIELD (Lincoln) — Biggest opening of the season except "Alexander's Ragtime Band."

ALBANY (Palace)—Opening day even bigger than "Alexander's Ragtime Band."

SAN FRANCISCO (Paramount)—Opening day topped "Suez"—*third day* of run topped "Suez" opener!

RICHMOND (Byrd)—Biggest opening of the season except "Alexander's Ragtime Band."

PORTLAND (Paramount)—Running ahead of everything but "Alexander's Ragtime Band."

NORFOLK (Norva) — Season's biggest opening except "Alexander's Ragtime Band."

BUFFALO (Century)—Opening topped all 20th hits at this house this season.

MILWAUKEE (Wisconsin) — Record opening topped even "Alexander's Ragtime Band."

That's 20th's **Sensational**

'SUBMARINE PATROL'

MOTION PICTURE DAILY'S HANDY BOOKING CHART

[*Dates Are Based Upon National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After the Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action*]

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS
Oct. 21	Homicide Bureau *Bruce Cabot* *Rita Hayworth*	Listen, Darling (G) (C) *Bartholomew* *Judy Garland* (904)		Mysterious Rider (G) (O) (3807)		The Mad Miss Manton (G) (C) *Stanwyck* *Fonda* (906)	Mysterious Mr. Moto (G) (D) *Peter Lorre* (912)		Service De Luxe (G) (C) *Constance Bennett* *Vincent Price*	Girls on Probation (G) (D) *Ronald Reagan* *Jane Bryan*
Oct. 28	The Little Adventuress (G) (D) *Edith Fellows* *Cliff Edwards* Law of the Texan (O)	The Citadel (G) (D) *Robert Donat* *Rosalind Russell* (909)		Men With Wings (G) (D) *MacMurray*		Tarnished Angel (G) (D) *Eilers* (907)	Suez (G) (D) *Tyrone Power* *Loretta Young* (913)		The Storm (G) (D) *Bickford* *MacLane* *Foster*	Brother Rat (G) (C) *Wayne Morris* *Priscilla Lane*
Nov. 4	In Early Arizona *Bill Elliott* *Dorothy Gulliver*	The Great Waltz (G) (M) *Luise Rainer* *Fernand Gravet* *Miliza Korjus* (908)	Gangster's Boy (G) (D) *Jackie Cooper* *Robert Warwick*	Illegal Traffic (G) (D) *J. Carroll Naish* *Mary Carlisle*	I Stand Accused (G) (D) *Robt. Cummings* *Helen Mack*	Lawless Valley (G) (O) *George O'Brien* (981)	Always in Trouble (G) (C) *Jane Withers* *Jean Rogers* *Arthur Treacher*	The Young in Heart (G) (C) *Gaynor* *Fairbanks, Jr.* *Goddard*	Exposed *Glenda Farrell* *Otto Kruger* Prairie Justice (O)	Hard to Get (G) (C) *Dick Powell* *de Havilland*
Nov. 11		Spring Madness (G) (D) *Lew Ayres* *Burgess Meredith* *O'Sullivan*	Gun Packer (O) *Jack Randall*	If I Were King (G) (D) *Colman* *Rathbone*	Rhythm of the Saddle (G) (O) *Gene Autry*	Annabel Takes a Tour (G) (C) *Oakie* *Lucille Ball* (908)	Just Around the Corner *Shirley Temple* *Charles Farrell* (915)		His Exciting Night (C) *Charles Ruggles* *Ona Munson*	Torchy Gets Her Man (G) (D) *Glenda Farrell* *MacLane*
Nov. 18	Adventure in Sahara *Paul Kelly* *Lorna Gray*	The Shining Hour (A) (D) *Crawford* *Sullavan* *Douglas*	Gang Bullets *Anne Nagel*	Thanks for the Memory (G) (C) *Bob Hope* *Shirley Ross* *Butterworth*	Storm Over Bengal (G) (D) *Patric Knowles* *Rochelle Hudson*	Law West of Tombstone (G) (O) *Harry Carey* *Jean Rouverol* (909)	Sharpshooters (G) (D) *Brian Donlevy* *Lynn Bari* (916)	Cowboy and the Lady (G) (C) *Cooper* *Oberon*		Nancy Drew, Detective *Bonita Granville* *John Litel*
Nov. 25		Out West with the Hardys *Lewis Stone* *Mickey Rooney*	Little Tenderfoot (O) *Tex Ritter*	Say It in French *Ray Milland* Arrest Bulldog Drummond	Santa Fe Stampede (O) Orphans of the Street	Peck's Bad Boy at the Circus *Tom Kelly* *Ann Gillis*	Submarine Patrol (G) (D) *Richard Green* *Nancy Kelly* *Preston Foster* (909)		Little Tough Guys in Society *Boland* *Auer* *Horton*	Angels with Dirty Faces (G) (D) *Cagney* *O'Brien* *"Dead End" Kids*
Dec. 2	Blondie (G) (C) *Penny Singleton* *Arthur Lake*	Flirting with Fate *Joe E. Brown* *Leo Carrillo*	Song of the Buckaroo (O) *Tex Ritter*	Little Orphan Annie *Ann Gillis* *Robert Kent*	Come On, Rangers (O) *Roy Rogers* *Mary Hart*	Next Time I Marry *Lucille Ball* *James Ellison* (910)	Road Demon (G) (D) *Henry Arthur* *Joan Valerie* *Henry Armetta* (918)		Strange Faces (G) (D) *Dorothea Kent* *Frank Jenks* *Andy Devine*	Comet Over Broadway *Kay Francis* *Ian Hunter*
Dec. 9	Rio Grande (O) *Charles Starrett* *Ann Doran*	Dramatic School *Rainer* *Goddard* *Alan Marshall*	I Am a Criminal *John Carroll* *Mary Kornman*	Ride a Crooked Mile *Farmer* *Erikson* *Tamiroff*	Western Jamboree (O) *Gene Autry* *Smiley Burnette*		Up the River (G) (C) *Tony Martin* *Phyllis Brooks* *Preston Foster*		Secrets of a Nurse (G) (D) *Helen Mack* *Edmund Lowe*	Heart of the North *Dick Foran* *Gloria Dickson*
Dec. 16	Strange Case of Dr. Meade *Jack Holt* California Frontier (O)	A Christmas Carol *Reginald Owen* *Terry Kilburn*	Tough Kid *Frankie Darro*	The Frontiersman (3856) *William Boyd*		The Pure in Mind (Tentative) *Anne Shirley* *Roger Daniels*	Down on the Farm (G) (C) *Jones Family*		Swing, Sister, Swing *Ken Murray* Ghost Town Riders (O)	Secret Service of the Air *Ronald Reagan* *John Litel* *Ila Rhodes*
Dec. 23	There's That Woman Again *Douglas* *Bruce*	The Awakening of Katerina *Tone* *Gaal* *Connolly*	Wild Horse Trail (O) *Jack Randall*	One Third of a Nation *Sylvia Sidney* Tom Sawyer, Detective	Red River Range *3 Mesquiteers*	Gunga Din *Cary Grant* *McLaglen* *Fairbanks, Jr.*	Thanks for Everything *Menjou* *Oakie*	Trade Winds *Fredric March* *Joan Bennett*	Newsboys Home *Jackie Cooper* *Wen[illegible] Barr[illegible]*	The Dawn Patrol *Errol Flynn* *Rathbone*

G. B.
The Lady Vanishes (G) (C) *Margaret Lockwood* *Paul Lukas* (Nov. 1)
The Frog *Noah Beery* *Gordon Harker* (Nov. 15)
Climbing High (M) *Jessie Matthews* *Michael Redgrave* (Dec. 1)

G. N.
Shadows Over Shanghai (G) (D) *James Dunn* *Ralph Morgan* (Oct. 14) (311)
Frontier Scouts (G) (O) *George Houston* (Oct. 21) (217)
Cipher Bureau (G) (D) *Joan Woodbury* *Leon Ames* (Oct. 28) (312)
Titans of the Deep (Oct. 28) *Dr. Beebe* (326)
Sunset Strip Case *Sally Rand* (Nov. 5) (345)

Studios Busy on New Productions With 41 in Work

Hollywood, Nov. 28.—Forty-one pictures were before the cameras this week, as 12 finished and 11 started. Twenty are being prepared and 74 are in the cutting rooms.

Finished were: "Trigger Pals," Cinemart; "The Awakening of Kate[illegible]a," M-G-M; "Tough Kid," "Wild Horse Trail," Monogram; "Persons in Hiding," "Bulldog Drummond's Secret Police," Paramount; "The Great Man Votes," "Beauty for the Asking," "Arizona Legion," RKO; "Fighting Thorobreds," Republic; "Tail Spin," "The Little Princess," 20th Century-Fox.

Started were: "Lone Wolf No. 1," "Let Us Live," Columbia; "Huckleberry Finn," "Broadway Serenade," "Song of the West," M-G-M; "The Lady's from Kentucky," "I'm from Missouri," Paramount; "The Flying Irishmna," RKO; "The Mysterious Miss X," Republic; "Mr. Moto in Porto Rico," 20th Century-Fox; "You Can't Cheat an Honest Man," Universal.

In addition to these, shooting were: "Racketeers," Columbia; "Ice Follies of 1939," "Burn 'Em Up O'Connor," "The Wizard of Oz," "Idiot's Delight," "I Take This Woman," "Honolulu," M-G-M; "Cafe Society," "Never Say Die," "Union Pacific," "Hotel Imperial," "Midnight," Paramount; "Fisherman's Wharf," Principal-RKO; "Love Affair," "The Castles," RKO; "It's Spring Again," Roach; "Charlie Chan in Honolulu," "Wife, Husband and Friend," "Dangerous Cargo," 20th Century-Fox; "Newsboy's Home," "The Son of Frankenstein," Universal; "Stage Coach," Wanger; "Dark Victory," "Oklahoma Kid," "Yes, My Darling Daughter," "Always Leave Them Laughing," "Nancy Drew, Reporter," "Dodge City," "Juarez," "Broadway Cavalier," Warners.

M-G-M started two short subjects and RKO one. Five are being prepared; two finished, and 11 are being edited.

Cagney, O'Brien Are W. B. Drive Captains

Pat O'Brien and James Cagney have been designated as captains of the western and eastern divisions, respectively, of the Warner Sears sales drive, which begins Dec. 25 and runs 16 weeks, through April 16.

O'Brien will head the western and southern division of Ben Kalmenson and Cagney the eastern and Canadian division, managed by Roy Haines. Prizes totaling $25,000 will be distributed to winning districts and branches. Carl Leserman, assistant sales manager, is coordinator of the drive.

To Vote on AFA Terms

San Francisco, Nov. 28.—Ratification of the 1939 contract of the American Federation of Actors will be voted on Dec. 5 by the local. A $35-$50 per week scale is provided. Up for reelection at the meeting will be Al Smith, local representative; Charles Renard, business agent, and Connie Mitchell, treasurer.

$50,000 Blast Damage

Hollywood, Nov. 28.—Damage caused by a blast last night at the William's Laboratory, an independent firm, was estimated at $50,000. No one was hurt by the blast which occurred in the developing room. Four employees who, by chance, were in the front office, narrowly escaped injury.

Int'l Casino Plans Refugees' Benefit

Employes and management of the International Casino will participate in a benefit dinner for German refugees at the Casino on Dec. 18. Actors in the floor show and other employes will work without compensation for the evening. The management, for its share, will provide the meal at cost. A dinner will be served at $5 and $10 a plate and the entire evening will be given over to the event, with no supper patrons accepted. Borough President Stanley Isaacs will act as honorary chairman, Robert M. Christenberry will be chairman, and a number of unions will be represented on the committee. Harry Calkins, eastern organizer for the American Federation of Actors, will serve for the actors. Specific organizations which will share in the proceeds will be named this week.

Close CoastDrive Office December 3

Hollywood offices of Motion Pictures' Greatest Year will close Dec. 3, following completion of the correlation of coast activities with the national drive. Gabe Yorke, on leave from the coast Hays office, headed the organization here. During a large part of the campaign, the office operated as a coast publicity bureau, with George H. Thomas in charge.

'Cat and Canary' Sold By "U" to Paramount

Hollywood, Nov. 28.—"The Cat and Canary" was purchased by Paramount from Universal today. Bob Hope and Martha Raye will be starred. It was produced by Universal in 1927 as a silent film.

Richard Ince Killed In Motorcycle Race

Oakland, Cal., Nov. 28.—Richard Ince., 23, son of the late film producer, Thomas H. Ince, was killed yesterday in a crash with two other motorcycles in the 200-mile Pacific Coast motorcycle championship race here. Ince was thrown headlong against a fence.

Charlie Chan's Son

San Francisco, Nov. 28.—Sen Yew Cheung, 23, son of a local Chinatown importer, has been selected as the new Charlie Chan's No. 1 son. Cheung, a graduate of the University of California, was in Los Angeles in his capacity as salesman for a local chemical company when he was spotted by a 20th Century-Fox scout and screen tested, among scores of others.

Ula Rose, King Wed

San Francisco, Nov. 28.—Ula Rose actress, cousin of Billy Rose, and Bruce King, Hollywood actor, were married here.

Renew Texaco Show With Talent Changes

Hollywood, Nov. 28.—Texaco Theatre of the Air which bowed in over CBS from here with Max Reinhardt, Una Merkle, Adolphe Menjou, Ned Sparks, Charles Ruggles and Jane Frohman has been renewed for another 13-week cycle, but with various changes in staff to be effected.

Reinhardt's option has been dropped and Billy Bacher, who formerly directed but half of this program, will now assume production charge of the entire hour. Another change will find Frances Langford replacing Miss Frohman and the renewals of Sparks and Miss Merkle are to be decided upon next week. John Barrymore has previously been announced as replacing Menjou.

WOV to Restrict All Program Commercial

A new restrictive policy will be placed in operation by WOV-WBIL, New York, on Jan. 1, when announcements on commercial programs will not be allowed to exceed 20 per cent of the broadcast time. Also to become effective the first of the year is the limiting of spot announcements to 20 seconds.

Word of this new policy is to be made known this week by a letter to all advertising agencies from Hyla Kiczales, general manager of the stations.

WMCA Ground System

WMCA yesterday placed in operation a new ground system which prevents absorption of its signal by the earth and thus increases the station's signal strength without the use of increased power or additional antenna equipment. Permission for the installation and use of the new system was granted WMCA by the F.C.C. last summer.

Phila. Exhibitors Give Up Game Fight

Philadelphia, Nov. 28.—Independent exhibitors here gave up their fight in state Supreme Court today to legalize theatre use of Bingo, Bango and similar prize games.

The case originated when the Palm Theatre sought an injunction to restrain Philadelphia police from interfering with the games. Common Pleas court refused the application and an appeal was taken with a number of other theatres throughout the city joining in the action. After several court setbacks, attorneys for the exhibitors advised the state Supreme Court today that the appeal action was being withdrawn.

John Peltret Dies

San Francisco, Nov. 28.—John Peltret, advertising and publicity director for the Clay here, and one time advance man for eastern roadshow attractions, died here after a brief illness.

J. Wilson Roy Passes

Albany, Nov. 28.—J. Wilson Roy, 70, father of Andrew Roy, manager of Warners' Strand, and himself a former dramatic critic and once press agent for Sir Thomas Lipton, died here after a short illness.

FCC Calendar

Washington, Nov. 28.—Federal Communications Commission has set broadcast application hearings during the current week as follows:

Nov. 30, before an examiner: Applications of John F. Nolan for a new 1,310-kilocycle, 100-watt, daytime station at Steubenville, O., and KTOK, Oklahoma City, for increase of day power from 100 to 250 watts.

Dec. 1, before an examiner: Applications of Larry Rhine for a 1,420-kilocycle, 100-watt station at San Francisco; Cascade Broadcasting Co., Inc., for a 1,420-kilocycle station at Everett, Wash., with 100 watts night, 250 watts day, and KRKO, Everett, Wash., for extension of time from sharing to unlimited and increase of power from 50 to 100 watts night, 250 watts day.

Dec. 1, before the commission: Application of *Asheville Daily News* for a 1,370-kilocycle, 100-watt station at Asheville, N. C., and contesting applications for a new station at Pontiac, Mich., of King-Trendle Broadcasting Corp., 1,440 kilocycles, 250 watts; Pontiac Broadcasting Co., 1,100 kilocycles, 1,000 watts, day only, and George B. Storer, 600 kilocycles, 250 watts.

"Harum" Is Renewed For Year by Babbitt

B. T. Babbitt Co., sponsoring "David Harum" on the NBC-Red, Mondays through Fridays from 11 to 11:15 P. M., has renewed the series for another year, effective at the close of 1938. Blackett-Sample-Hummert handled the placement.

Another renewal just placed is by the Jacob Ruppert Brewing Co., sponsoring the musical series, "Relaxation Time" over WEAF. The renewal, for 13 weeks, becomes effective Dec. 20. Lennen & Mitchell is the agency.

CBS Dedicates Show To WLW Transmitter

A special broadcast dedicating the opening of the new 50-kilowatt transmitter of WLW has been scheduled by CBS tomorrow from 10 to 10:30 P.M. WLW is the network's affiliate in New Orleans. Appearing in the broadcast will be Gov. Richard W. Leche of Louisiana, Mayor Robert Maestre of New Orleans, Father Harold Gaudin, president of Loyola University, and Andre Kostelanetz's orchestra.

"Jury Trials" Taken By Two New Sponsors

"Famous Jury Trials," sponsored cooperatively on the Mutual network, has just been sold to clients in Cincinnati and San Francisco.

In Cincinnati, over WSAI, the series will be presented by the Bavarian Beer Co., and in San Francisco, over KFRC, it will be heard under the auspices of the Yellow Cab Co.

"Mrs. Wiggs" Off Dec. 23

"Mrs. Wiggs of the Cabbage Patch," long a network serial feature, will fade from the air Dec. 23. Sponsored by Bisodol, the program has been heard six mornings weekly, from 10 to 10:15 A. M. on NBC.

Divorcement Held Likely In Two Years

(*Continued from page 1*)

follow throughout the country for various legislatures to enact similar statutes in other states.

Relation of the Government's anti-trust suit to this separation law may be incidental but certainly important. Fact is that in the Government's complaint, the Department of Justice was frank in warning the defendants that should the remedies sought by the suit not be had by court action, then remedial legislation to achieve the same purpose would be sought.

Therefore, it appears the industry has but the one choice, under the present circumstances or outlook.

The anti-trust suit might very well prove an excellent exploratory ground from which the Government experts would find a foundation upon which to build future discriminatory legislation against the big firms.

Whether divorcement will be a boon to business and an advantage to the industry, as a whole, is a matter of opinion. There are opposite schools of thought on this.

There are showmen who believe that once the complex financial and merchandising adjustments shall have been made, divorcement will not entail any industry hardship. These also regard theatre expansion as a natural and essential phase of industry development.

On production, these experts see a good effect, in that this field would be broadened and provided with greater opportunities for independent action and new producers, which advantages would impress their good effect also on the theatre screen and theatre operation.

Milwaukee Operators Refuse Cut in Wages

Milwaukee, Nov. 28.—Operators' union, Local 164, has refused the exhibitors' request for a 12½ per cent reduction in wages, but negotiations to secure relief are being continued by the theatre owners.

County exhibitors have a two-year contract with the union, providing a 2½ per cent increase Nov. 1, which the theatre operators have been obliged to pay.

Admissions among subsequent runs here are dropping with an increasing number of spots playing 10-cent nights several times a week. Not only independents but at least six Fox neighborhood houses are running 10-cent nights.

Monogram Deals Are Set in 19 Circuits

Product deals with 19 circuits have been closed by Monogram recently. The circuits are Schine, Wilby-Kincey, Martin, Sparks, Publix-Great States, Cheseborough, Jefferson Amusement, Central States, Pioneer Theatres, Dickinson, Warners, Publix-Rickards, Popkin & Ringer, Affiliated (New Orleans), Strand Enterprises, Rosenblatt & Welt, Comerford-Publix, E. K. Taylor and Saenger.

"Lorelei" Tonight

"Lorelei," an anti-Nazi play by Jacques Deval, the opening of which has been postponed several times, is finally set to open tonight at the Longacre. Richard Aldrich and Dennis King are producing the play in association with Sir Cedric Hardwicke and Richard Myers. The cast includes Philip Merivale, Doris Nolan, Dennis Hoey, Viola Roache, Arnold Korff and others.

Coast Ready to Meet Andrews On Wage-Hour

(*Continued from page 1*)

here, it is regarded as possible that Andrews may appoint a local administrator during his visit.

Harold V. Smith, I.A.T.S.E. representative, plans discussions with studio managers before Wednesday and expects to reach a tentative decision on the hour problem before the conferences get under way. Any decision reached, however, will be subject to approval by Andrews.

19 Films Approved By Decency Legion

National Legion of Decency for the current week approved all 19 pictures reviewed and classified, 14 for general patronage and five for adults. The new films and their classification follow:

Class A-1, Unobjectionable for General Patronage — "Ballerina," "Blondie," "Cipher Bureau," "Come On, Rangers," "The Cowboy and the Lady," "Gang Bullets," "Law West of Tombstone," "Lily of Killarney," "Little Tough Guys in Society," "Out West with the Hardys," "Santa Fe Stampede," "Sixty Glorious Years," "Titans of the Deep" and "Wild Innocence."

Class A-2, Unobjectionable for Adults — "Pygmalion," "Ride a Crooked Mile," "Say It In French," "The Storm" and "Trailer Romance."

Elliott's Injury May Delay Suit in Phila.

Philadelphia, Nov. 28.—Herbert Elliott, local exhibitor, who is plaintiff in the most recent anti-trust suit against major dsitributors and affiliated theatres here suffered two broken ribs and other injuries in an automobile accident over the weekend.

Indications are that Elliott's injuries may force a postponement of the hearing on the anti-trust suit scheduled for Thursday.

Korda Will Sail for This Country Friday

London, Nov. 28.—Alexander Korda will sail for the United States on Friday and will take up definite production steps in Hollywood.

Irving Asher also may sail for America in a few days but only for a visit.

To Sell Film Art Work for Benefit Of Reich Refugees

Plans for a nationwide sale of art works, the proceeds to go to German refugee relief, were made at a meeting of film company art directors and advertising and publicity representatives at Sardi's yesterday. The Motion Picture Art Fund for German Refugees was formed as the fund-raising agency.

The sale will be held Feb. 12 at a place to be decided. A dance may be held in connection to raise additional money for relief. Tickets for the sale will be printed in books of 20 and sell for 25 cents each.

Vincent Trotta, chairman of the art committee, reported that between 50 and 100 oil paintings might be contributed by leading artists. Max Kalish, well known sculptor, is honorary chairman of the art committee.

Al Margolies presided at yesterday's meeting, as temporary chairman. Monroe Greenthal chairmaned a previous meeting. The next meeting will be held Friday, at which a permanent chairman will be elected. The nominating committee, besides Margolies, includes Gordon S. White, Alec Moss and Morris Helprin.

The finance committee consists of Helprin, chairman; George Fraser, David Strumpf and Margolies. Hal Danson heads the ticket committee. Other committee chairmen are: Carl Krueger, ticket distribution; Leonard Gaynor, Herb Berg and Paula Fraser, secretary. Each company is to be represented on each committee.

Loew Trial Is Set To Start Tomorrow

Trial is scheduled to start tomorrow in N. Y. Supreme Court of the Loew minority stockholders' suit against Loew's, Inc., its officers, directors and others, seeking cancelation of employmen and profit-sharing agreements with a number of top executives, on the ground of excessive payment.

The action is a consolidated one, combining a number of individual actions brought by stockholders. Depositions have been taken from about 20 Loew executives, officers and directors. Judge Louis A. Valente is scheduled to hear the case.

First "Raffles" for Goldwyn in England

San Francisco, Nov. 28.—First of the new series of "Raffles" pictures for Samuel Goldwyn will be made in England. The story will be called "Col. Rowan of Scotland Yard." Others in the detective series planned for David Niven will be made later in Hollywood.

Name C. W. Thornton Small's Business Mgr.

Hollywood, Nov. 28.—Edward Small Productions has signed as executive business manager C. W. Thornton, who leaves his post as secretary-treasurer of General Service studios.

WB Refunding Is Extended To March 15

(*Continued from page 1*)

refunding. The company can declare the plan in effect when 75 per cent or about $22,000,000 of the $29,000,000 present debentures outstanding, shall have been deposited for the plan.

Presently, Warner Bros. have on file for exchange, $19,000,000 of the present debentures, making the required amount shy around $3,000,000 principal amount.

The plan of exchange provides that the new debentures: (1) will bear the same rate of interest as the present debentures, six per cent; (2) will be entitled to the benefit of a sinking fund under which there will be retired, on Dec. 15 of each of the years 1939, 1940 and 1941, three per cent of the largest aggregate principal amount of the new debentures which shall have been outstanding at any one time—on Dec. 15 of each of the years 1942, 1943 and 1944, four per cent of such largest aggregate principal amount—and on Dec. 15 of each of the years 1945, 1946 and 1947, five per cent of such largest principal amount, (3) will not be convertible into coupon stock.

'Angels' Weathers Storm and Starts B'way Off Strong

Poor traffic conditions, snow and low temperatures hampered the box-office over the holiday weekend but several outstanding films proved their drawing power. At the Strand, "Angels with Dirty Faces," aided by the Ted Lewis band on the stage, drew an estimated $33,000 in its first three days. It will be held. "The Cowboy and the Lady" grossed an estimated $72,000 at the Music Hall in four days and will continue for a second week.

"Submarine Patrol" produced an estimated $20,500 at the Roxy in the first three days of its second week. "Just Around the Corner" is next. "Arkansas Traveler," in its second week at the Paramount, brought an estimated $15,000 for Friday, Saturday and Sunday. It will probably do $36,000 for the week. At the Rivoli, "Little Tough Guys in Society" drew an estimated $7,000 and was held over. "Mr. Wong, Detective" at the Globe brought in an estimated $7,500 and made way for "Crime Takes a Holiday." For its 15th week at the Astor, "Marie Antoinette" grossed an estimated $4,464.

Association of Foreign Press Correspondents will sponsor the premiere of "Abused Confidence" at the Belmont tomorrow. "Grand Illusion" starts its 12th week at the Filmarte today. "Spring Madness" opens at the Criterion on Thursday. "Ballerina" is in its third week at the Little Carnegie. "Two Sisters," Jewish language film, opens today at the Continental.

FILE COPY

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 44. NO. 106 NEW YORK, WEDNESDAY, NOVEMBER 30, 1938 TEN CENTS

Charges NBC Turning Quiz Into Web Ad

McNinch Calls Testimony "Frills, Puffing"

WASHINGTON, Nov. 29.—Chairman McNinch of the F.C.C. charged at today's radio monopoly hearing that NBC witnesses were attempting to turn the hearing into advertising for the network. The charge followed efforts of Philip J. Hennessy, Jr., NBC counsel, to introduce exhibits he claimed would show how the American broadcasting system developed.

"I hope you will not take up the committee's time by offering material that is purely and obviously advertising," McNinch said after an argument over pamphlets describing Radio City and the NBC setup. McNinch called them "frills, advertising and puffing."

F.C.C.'s allocations policy is hampering the development of high-

(*Continued on page* 8)

Additional developments in radio yesterday on page 8.

Rush Preparations For Schine Dinner

ALBANY, Nov. 29.—Arrangements are being rushed for the 25th anniversary testimonial dinner to be tendered to J. Louis and Meyer Schine in honor of their service in the film industry. Already 75 reservations have been received, and many more are expected. The dinner will take place at the Ten Eyck Hotel on Dec. 19.

Philip C. Fox, Columbia branch manager here, is in New York arranging for speakers and a toastmaster. Gov. Herbert H. Lehman,

(*Continued on page* 8)

Strike May Close All Paris Houses

Paris, Nov. 29.—Paris will be without an open theatre tomorrow in the event the general strike is made effective as scheduled. Even though theatre employes do not join in the strike the houses will be unable to open because of the shutdown of electrical service which the strikers hope to effect.

Even in the event the strike is broken by the military, widespread public disturbance would be expected to follow from which theatre attendance would suffer severely.

Israel Appointed Executive Aid to Balaban at Para.

Arthur Israel, member of Paramount's home office legal staff for the past 10 years, has been appointed an executive assistant to Barney Balaban, Paramount president. In his new capacity Israel will relieve the company head of many details resulting from Balaban's added duties as head of the company's theatre operations.

Israel's duties, it is understood, will include both theatre and executive detail. In addition, he is continuing, for the time being at least, certain legal assignments on which he was working at the time his new appointment was made. He established his new office yesterday in quarters adjoining those of Balaban.

Increased duties in theatre department administration have also been assigned to Leon Netter, as a result of the appointment of Y. Frank Freeman, former Paramount theatre head, to his new post at the studio.

Drugs Are Leading Source Of Questionable Radio Ads

WASHINGTON, Nov. 29.—There still is a tremendous amount of questionable advertising being broadcast in radio. The most extensive sources of such questionable business propaganda are the manufacturers of drug products and remedies, which are leaders on the air.

During the fiscal year ended June 30 last, there were 22,959 radio scripts which were held by the Federal Trade Commission for further study as containing representations which may have been false or misleading, and in fact formed the bases of 1,544 F. T. C. prospective cases. Altogether during the year the Federal Trade Commission read and marked 490,612 scripts.

It is disclosed in the annual report of the F.T.C. that drug manufactur-

(*Continued on page* 8)

Writer Sues M-G-M Seeking $1,500,000

HOLLYWOOD, Nov. 29.—M-G-M was named today in a $1,500,000 suit charging plagiarism by Frank Walsh, writer, who alleges the studio used his original "I Found Kinley," as the basis for "Too Hot to Handle." The story, Walsh said, was submitted three years ago and rejected.

Schaefer Doesn't Intend Extensive Changes In Studio

HOLLYWOOD, Nov. 29.—Rumors of extensive revision of the RKO studio organization are without substantial foundation and no sweeping policy changes are contemplated, George J. Schaefer, operating head of RKO, indicated today after two days at the studio.

This is his first visit to the coast since assuming executive charge of the company. Emergence of RKO Radio from court supervision, which Schaefer expects before Jan. 1, will affect the company's personnel morale beneficially, he declared.

He made it clear that he will not become what is known in Hollywood as a "production president." He expects to return east in two weeks.

Schaefer expressed much gratification with the next six months' product, and said it would be hard for any studio to match "Gunga Din," "Love Affair" and the Astaire-Rogers pic-

(*Continued on page* 8)

Rodgers to Be at Chicago M-G Meet

William F. Rodgers, M-G-M general sales manager, and other home office executives will attend a district managers' meeting in Chicago on Saturday. Sales progress to date during the current season will be discussed as well as future possibilities, and an outline of forthcoming product will be given.

Rodgers plans to leave for Chicago tomorrow, in which event he will attend the testimonial dinner there Friday night to Jack Kirsch, Illinois Allied president.

Shauer Quits Paramount

HOLLYWOOD, Nov. 29.—Mel Shauer, who served in Paramount's exhibition and production branches, today resigned as associate producer. Prior to becoming a producer in 1936 he was in charge of the talent department. He said he has no immediate plans.

RKO Theatre Divisions in N. Y. Shifted

O'Connor Creates Fourth Unit Under Schwartz

So that the division managers may apply themselves more thoroughly to the operation of the theatres which they run for the company, John O'Connor, vice-president in charge of RKO's theatres, has decided to reduce the number of theatres operated by each division manager, and thereby making it possible also to create an extra division. The RKO metropolitan group of theatres in New York will comprise four divisions instead of three. This new arrangement becomes effective tomorrow. RKO has 46 metropolitan theatres.

The new operation has become organized along geographical lines rather than corporate lines. Sol Schwartz, who has been operating the Fordham in the Bronx and the Albee in Brooklyn, has been made a division manager in charge of the newly created Bronx group. This group includes RKO's houses in Yorkville and Harlem.

It is understood that Lawrence Greib, who has been in charge of the Yorkville houses, will shift to the Albee.

In the new arrangement, a change may be effected in the publicity and

(*Continued on page* 8)

World's Fair Films Row in Parliament

London, Nov. 29.—Current heated controversy over British films at the New York World's Fair reached the House of Commons tonight with a member challenging the Government on the constitution and work of the joint committee appointed for their selection.

The Government spokesman defended the committee, claiming the British Council and Travel Association as well as the Postoffice, Foreign Office and the department of overseas trade are represented. The Government claims the committee is working closely with the industry and plans to arrange representation for features as well as newsreels and documentaries.

Purely Personal

JOHN HARRINGTON, manager of Monogram's accessory department, left yesterday for a three-week tour of 17 exchanges to consult with branch managers on accessories and prints. He will go west to Omaha and south to New Orleans.

•

CHARLES MOSS, son of B. S. Moss, was given a bachelor dinner at the City Athletic Club last night. He will be married tomorrow to PAULA MENDELSOHN at the Pierre. They will honeymoon in Florida.

•

MR. and MRS. WILLIAM A. SEITER have returned from a South American cruise. After a few days in New York they will go on to the coast, for SEITER's next direction assignment at 20th Century-Fox.

•

CLIFFORD W. SMITH, formerly Erpi general foreign manager, is en route to Chicago and then proceeds to Hollywood where he will take up his new duties as general west coast manager.

•

JAMES P. O'LOGHLIN, 20th Century-Fox Canadian district manager and Kent drive leader, is due from Toronto en route to the coast for the company's sales-production conferences.

•

W. A. SCULLY, Universal sales manager, and F. J. A. MCCARTHY, division head, will leave tomorrow on another sales trip, this time to the south.

•

MR. and MRS. LEO SPITZ are back from California, to stay here several weeks.

•

BEN WASHER will leave for Cleveland today with RICHARD CARLSEN.

•

COL. L. R. NAFTZGER has returned from the midwest.

Monogram Names Two

Monogram has named W. J. Cammer office manager and booker in the Dallas office, and Archie Holt a salesman in Seattle.

THE MERCURY

GIANT
SKYSLEEPERS

OVERNIGHT TO LOS ANGELES

Fly the Southern SUNSHINE route overnight to Los Angeles. Through service. No change of planes. Giant SKYSLEEPERS. Complimentary meals served by stewardesses.

Mercury
Lv. 5:10 p. m.
(only 3 stops)

Southerner
Lv. 9:00 p. m.
(only 5 stops)

FOR RESERVATIONS: Call Your Travel Agent or VANderbilt 3-2580. Ticket Offices: 45 Vanderbilt Ave., and Rockefeller Center, 18 W. 49th St.

AMERICAN AIRLINES Inc.

Insiders' Outlook

THERE still is that chance that Russell Birdwell may leave Selznick-International. And it can happen in February or early spring, if not sooner. Should Birdwell depart, the opportunity is known to exist for John C. Flinn, of *Variety,* to succeed Birdwell. Whatever path out of S-I Birdwell chooses to take isn't known. Perhaps he will write a book. Also, it has become known generally that Birdwell has been thinking about going into the advertising agency business. Whatever happens may now prove no surprise.

▼ ▼

Harry H. Thomas, veteran independent distributor whose background in the trade goes back many years, firmly believes that the time is psychologically ripe for an increasing influx of foreign mades, into the U. S. Such strong faith explains Thomas' connection with Tri-National films, which he distributes. To Thomas, films are without nationality. It is quality that counts and the increasingly better French and English films which have been imported here attest to his conclusions, Thomas avers. But he has an additional angle, which is that conditions abroad have focused American interest in salvaging that which is good abroad before the Huns destroy it all.

▼ ▼

Those who think that now that the trade practice program is about to be reduced to formal writing, the industry lawyers who have been engaged on the matter can now turn to the anti-trust litigation which is encompassing the trade, with more thoroughness, are underestimating the lawyers of the trade. That voluminous brief filed the other day on the pending anti-trust case in New York fully testifies to the ingenuity of the barristers employed in the business. And that isn't all, for the lads are wrestling with another plaguing headache for which they are getting scant credit and that is the wages and hour law and how it may be applicable to the film business—east and west.

To Quiz Lee for Regal

Arthur A. Lee, vice-president of Gaumont British, has been ordered to appear for examination before trial to assist Regal Distributing Corp. and Kayart Theatres Corp. in drawing a complaint against G. B. Pictures Corp. of America and G. B. Pictures Corp. The plaintiffs charge plagiarism of the film "Rothchild" in "Mr. Hobo." No date was set for the examination by N. Y. Supreme Court Justice William T. Collins, who granted the order.

Perry Heads N. H. Union

NEW HAVEN, Nov. 29.—Local 273 of the operators' union elected the following officers for the coming year: Frank Perry, president; Fred Frasier, vice-president, Edward Barber, treasurer; Tony Balsilicato, secretary, and Matthew Kennedy, business agent. The executive board comprises the officers, J. Wheaton and John Kelly.

Loewenberg in Fox Post

MILWAUKEE Nov. 29. — Charles Loewenberg, associated with the film industry for more than 25 years, has been named advertising and publicity director for Fox theatres in Wisconsin. He has been serving as supervisor of the circuit's south side theatres where he is succeeded by Lowell Parmentier, manager of the Paradise in West Allis.

C. W. Davis Plans House

REIDSVILLE, N. C., Nov. 29.—C. W. Davis, manager of the Rockingham and Broadway, plans a new theatre here.

Warner, Musicians Agree

PHILADELPHIA, Nov. 29.—Indications that an agreement between Warners and the musicians' union on employment terms, which would prevent a threatened closing of the Earle, is given in a new booking for the house starting Friday. Warners had threatened to close the Earle Dec. 2 in the event the dispute between stage show houses here and the union was not settled by then.

Honor Van Schmus

HOLLYWOOD, Nov. 29.—W. G. Van Schmus, managing director of the Music Hall in New York, will be honored tomorrow at a luncheon given by Warner players, directors and executives.

★ Fly United's DeLuxe ★

MAINLINERS TO CHICAGO!

8 fast flights daily—
all over shortest route!

To CHICAGO — 4 hrs., 55 min.!

★ Mainliners are tops in luxury and comfort! Only United flies the famous deluxe Skylounge Mainliners on non-stop flights—leave 12:15 p.m. or 5:20 p.m. Low round-trip rates! Reservations: 58 E. 42nd St., MU. 2-7300. Or travel bureaus, hotels.

UNITED AIR LINES
★ The Main Line Airway ★

"Pygmalion" Benefit Postponed One Week

Invitation preview of "Pygmalion" at the Astor, sponsored by Nicholas M. Schenck, president of M-G-M, for German refugee relief, has been postponed from tonight to next Wednesday night. The regular run has also been set back, and the film will open to the public on Thursday, following the preview.

In his letter to the preview in[illegible]tion list, Schenck says this is an[illegible]tional benefit and suggests that if the recipient cares to make a contribution, to send in as much as theatre tickets would cost or a similar nominal sum. There will be no solicitation at the theatre.

Proceeds will be given to four relief agencies for German refugee relief: American Friends Service Committee, the Committee for Catholic Refugees from Germany, American Jewish Joint Distribution Committee and the American Committee for Christian German Refugees.

Standard Shifts Men

OKLAHOMA CITY, Nov. 29.—Standard Theatres Corp. has shifted Ben Langdon, assistant to Douglas George, publicity director, to assistant manager of the Liberty. Henry Harold succeeds Langdon. Julius Krisch, assistant booker, has been made assistant manager of the Midwest, succeeding Frank Cassota who has gone to the Warner as manager.

Frisco Embassy Leased

SAN FRANCISCO, Nov. 29.—Lease on the Embassy, downtown first run which closed six months ago due to lack of product, has been acquired by Dan McLean, former Fox West Coast executive, who will open the theatre about Jan. 1 as a grind house. Top admission will be 20 cents.

Union City House Sold

Pastime Theatre property, Union City, N. J., has been sold by the Trust Co. of New Jersey to the Colony Real Estate Co., subsidiary of an undisclosed independent circuit. The 1,100-seat theatre formerly was operated by Jimmy Binkov. It will be reconditioned at an estimated cost of $30,000 and renamed the Colony.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

TRUE TALK ON HOLIDAY BOOKINGS!

(*By Leo, of The Friendly Company*)

"Don't do it!

"I mean don't take chances when it comes to booking attractions for Holiday time.

"For instance—I guaranteed great business for Thanksgiving with 'OUT WEST WITH THE HARDYS.'

"IT DID THE BIGGEST BUSINESS IN 6 YEARS ON THE LOEW CIRCUIT (*in snow-storms!*)

"'OUT WEST WITH THE HARDYS' A CLEAN-UP EVERYWHERE! WAY AHEAD OF 'BOYS TOWN'! TWICE THE BUSINESS OF 'LOVE FINDS ANDY HARDY.' IMAGINE!

"Now I give you another tip:
Ask smart showmen everywhere, in large towns, in small towns what they're booking for the fat and luscious New Year's trade—

"ask them what picture they're banking on for the most valuable playing time on their calendar:

"it's JEANETTE MacDONALD, NELSON EDDY in 'SWEETHEARTS' (*Technicolor*) now being booked solid throughout America for the holidays.

"I guaranteed 'OUT WEST WITH THE HARDYS' for Thanksgiving and it's terrific!

"I now guarantee 'SWEETHEARTS' for the New Year's! It's the biggest and best holiday show in years!

← **DON'T *DO* THIS WITH HOLIDAY BOOKINGS!**

BLO

MAY RIGHTLY
YEAR'S GOOD
AND HER FAMILY
TO INCREASED

THE REVIEWS

IN IMPORTANT KEY SITUATIONS PROVE THAT LOEW'S ARE RIGHT IN BOOSTING BLONDIE TO THEIR PATRONS

●

"'The Shining Hour' is for adults but its program partner is notably for the family ...It's BLONDIE and it's a blamed good little comedy based on the newspaper comic strip of the same name. Arthur Lake, Penny Singleton, Gene Lockhart, little Larry Simms and the others do a capital job with roles and scenes. The Simms youngster is corking as Baby Dumpling, and Lake and Miss Singleton do Blondie and Dagwood, his parents, credibly and amusingly. As a rich real estate man who likes to tinker, Lockhart adds a deal to the fun. And there's Daisy, the dog, one of the most humorously expressive performers of the lot." ... *Rochester Democrat & Chronicle*

●

"Chic Young's comic strip, BLONDIE, has been the inspiration for the film of that name and it is amazing how faithfully the screen characters bear likeness to the pen and ink sketches. If you turn back to the funnies and then visit Loew's you will see how accurately the job has been done."... *Louisville Courier-Journal*

TEST ENGAGEMENTS

(*Single Feature*) at the Senate Theatre, Springfield, Ill.; State Theatre, Richmond, Va.; RKO Lyric Theatre, Cincinnati, O., prove that "BLONDIE" is one of the Year's Best Audience pictures . . . Not only *GOOD* business but *GOOD WILL BUSINESS!*

●

Arthur Frudenfeld—R. K. O. . . . Lyric Theatre, Cincinnati, O., says:—"It will turn in one of the best grosses of the year—in spite of snow storm on opening day."

●

Sam Bendheim—Neighborhood Theatres . . . State Theatre, Richmond, Va., says:—"BLONDIE is one of the BEST AUDIENCE pictures we ever played. . ."

●

Dave Jones . . . Senate Theatre, Springfield, Ill., wires:—"We played it up as a test spot preview and had the patrons fill out preview cards. Everyone enjoyed the picture and would like to see more in this series."

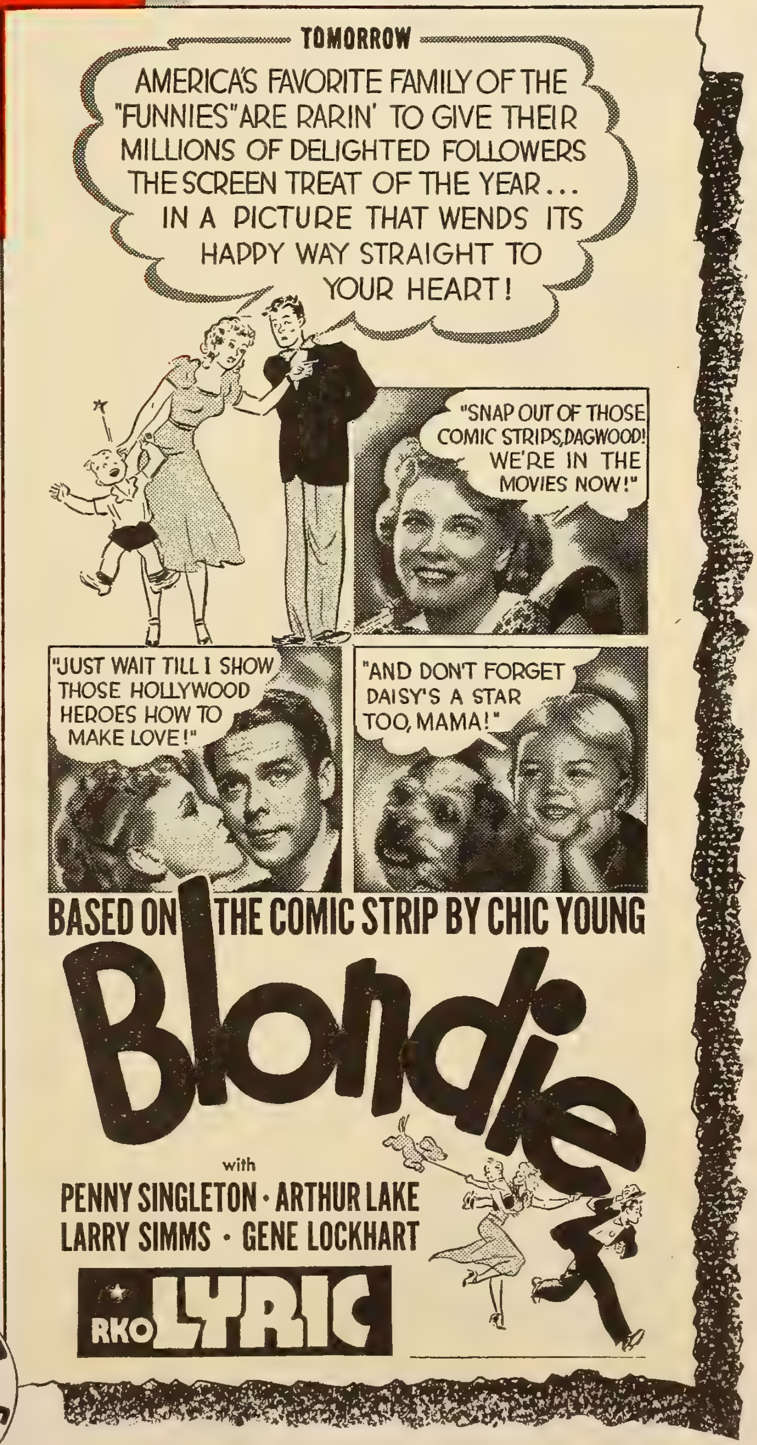
NDIE

E CALLED: THE
WILL GAL... BLONDIE
RE THE ANSWER
AMILY TRADE!

IF YOU ARE A SHOWMAN, YOU WILL GET BEHIND BLONDIE WITH EVERYTHING YOU'VE GOT! YOU'LL NOT ONLY MAKE GOOD MONEY WITH BLONDIE, BUT YOU'LL MAKE GOOD NEW FRIENDS FOR YOUR THEATRE!

COLUMBIA PICTURES

How Cincinnati Sold "BLONDIE"



TOMORROW

AMERICA'S FAVORITE FAMILY OF THE "FUNNIES" ARE RARIN' TO GIVE THEIR MILLIONS OF DELIGHTED FOLLOWERS THE SCREEN TREAT OF THE YEAR... IN A PICTURE THAT WENDS ITS HAPPY WAY STRAIGHT TO YOUR HEART!

"SNAP OUT OF THOSE COMIC STRIPS, DAGWOOD! WE'RE IN THE MOVIES NOW!"

"JUST WAIT TILL I SHOW THOSE HOLLYWOOD HEROES HOW TO MAKE LOVE!"

"AND DON'T FORGET DAISY'S A STAR TOO, MAMA!"

BASED ON THE COMIC STRIP BY CHIC YOUNG

Blondie

with

PENNY SINGLETON · ARTHUR LAKE
LARRY SIMMS · GENE LOCKHART

RKO LYRIC

Bartholomew 'Love' Grip Chi For $17,800

CHICAGO, Nov. 29.—The reopening of the Oriental resulted in a great sendoff for the house with "Vacation For Love" and Freddie Bartholomew in person taking in a neat $17,800.

"Men With Wings" plus Bob Crosby and band on the stage was strong at the Chicago with $35,000. Milton Berle at the Palace with "Little Tough Guys In Society" and "Submarine Patrol" at the Roosevelt were both strong. Cold weather predominated.

Estimated takings for the week ending Nov. 22-26:

"Suez" (W. B.)
APOLLO—(1,400) (35c-55c-65c) 7 days. Gross: $5,300. (Average, $6,500)

"Men With Wings" (Para.)
CHICAGO—(4.000) (35c-55c-75c) 7 days. Stage: Bob Crosby and Band. Gross: $35,000. (Average, $32,000)

"Mysterious Mr. Moto" (20th-Fox)
"Listen, Darling" (M-G-M)
GARRICK—(900) (30c-40c-50c) 7 days. Gross: $6,000. (Average, $6,500)

"Vacation From Love" (M-G-M)
ORIENTAL—(3,400) (25c-30c-40c) 7 days. Stage: Freddie Bartholomew in person. Gross: $17,800. (Average, $13,000)

"Little Tough Guys In Society" (Univ.)
PALACE—(2,500) (35c-55c-75c) 7 days. Stage: Milton Berle and Revue. Gross: $21,500. (Average, $19,000)

"Submarine Patrol" (20th-Fox)
ROOSEVELT—(1,300) (35c-55c-75c) 7 days. Gross: $12,600. (Average, $11,000)

"Great Waltz" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days. Gross: $18,600. (Average, $15,000)

Capital Steps Out With 'Shining Hour' Which Gets $21,000

WASHINGTON, Nov. 29.—"The Shining Hour" at Loew's Capitol, with a gross of $21,000, was the week's bellringer. "The Sisters" at Warners' Earle did $16,500.

A heavy snowfall which hit the Thanksgiving trade was responsible for a rather poor week downtown.

Estimated takings for the week ending Nov. 24:

"The Shining Hour" (M-G-M)
LOEW'S CAPITOL—(3,434) (25c-65c) 7 days. Stage: Harriet Hoctor, Johnny Perkins. Gross: $21,000. (Average, $16,500)

"Suez" (20th-Fox)
LOEW'S COLUMBIA—(1,243) (25c-40c) 7 days, 2nd week. Gross: $4,200. (Average, $4,200)

"If I Were King" (Para.)
LOEW'S PALACE—(2,370) (25c-55c) 7 days, 2nd week. Gross: $7,500. (Average, $11,500)

"Service De Luxe" (Univ.)
RKO-KEITH'S—(1,836) (25c-40c) 7 days. Gross: $6,000. (Average, $10,000)

"The Sisters" (W. B.)
WARNERS' EARLE—(2,218) (25c-66c) 7 days. Stage: Chaney & Fox, Earle Roxyettes. Gross: $16,500. (Average, $16,000)

"Brother Rat" (W. B.)
WARNERS' METROPOLITAN—(1,591) (25c-40c) 7 days, 3rd week. Gross: $3,500. (Average, $4,000)

Schwartz with Reinhart

CANTON, Nov. 29.—Ben Schwartz has resigned as manager of Warners' Ohio to become general manager of Harry Reinhart's three houses. William Harwell of Atlanta succeeds Schwartz at the Ohio.

Hollywood Preview

"The Beachcomber"

(Paramount-Mayflower)

HOLLYWOOD, Nov. 29.—Adults who revere virtuosity in performance, craftsmanship in narration, and are not averse to sex themes in their entertainment, may be confidently informed by showmen playing this picture that here is a genuinely advanced and superbly wrought film. Children have no more business attending its exhibition than reading Freud or Jung. Charles Laughton's performance in the title role is by wide margin his most masterly character portrayal and Elsa Lanchester (Mrs. Laughton) gives American and foreign actresses lessons in her delineation of the sex-starved spinster whose love for the bestial beachcomber wears a persecution complex as disguise until rationalized under pressure of contact and circumstance. The picture is made up of strong materials, bluntly yet artistically handled, a truly adult production in all senses of the term.

"The Beachcomber" is the first film produced by Mayflower Pictures, the English company formed by Laughton and Erich Pommer, producer and director. It is, technologically, up to Hollywood par and, in many particulars, beyond. Save for the age-level limitation, which applies as positively in the British Empire as in the States, it is as screenworthy in one English-speaking community as another. That screenworthiness is, reportedly, the standard Laughton and Pommer sought when founding and christening their company.

The story of "The Beachcomber" is W. Somerset Maugham's "Vessel of Wrath," written for the screen by Bartlett Cormack. The locale is the Dutch East Indies. Laughton is seen as an utterly dissolute remittance man, drunkard, wastrel, liar, libertine and cheat, given to enticing native girls from the classroom of the frigid Miss Lanchester, maiden sister of the resident missionary. Jailed after one such escapade, Laughton is sentenced by the Dutch "controleur," who despairs of reforming him, but has made him friend in his loneliness, to hard labor on an island full of accommodating native belles who have no irksome labors for him to perform. Returning, he and Miss Lanchester, most violent of his righteous enemies, are forced to stay overnight on a barren island where she mistakes his disgusted indifference for intrinsic gallantry. From here on she applies herself to reformation and conquest of the derelict, successfully.

There are no stereotyped incidents, trite speeches or commonplace developments. Some of the dialogue is highly unvarnished, yet belongs, such as the beachcomber's witness stand declaration that all the excitement among the feminine population of the island is due simply to "a bit of normal virility in a man." The film is, in large, an embroidering of that basic situation.

Running time, 88 minutes. "A"* ROSCOE WILLIAMS

"Everybody's Baby"

(20th Century-Fox)

HOLLYWOOD, Nov. 29.—The "Jones Family" always has some problem to solve in its pictures and what to do about the new baby is the one engaging their attention in "Everybody's Baby." Like all its predecessors, this picture is funny, but the appeal is more to adults than to adolescents and juveniles.

As usual, the regular members of the family, Jed Prouty, Shirley Deane, Spring Byington, Russell Gleason, Ken Howell, George Ernest, June Carlson, Florence Roberts and Billy Mahan are featured and important roles are enacted by Reginald Denny, Claire DuBrey, Hattie McDaniel and Marvin Stephens. In directing the Hilda Stone-Betty Reinhardt story for which Karen De Wolf, Robert Chapin, Frances Hyland and Albert Ray wrote the screenplay, Malcolm St. Clair continues his careful timing, spotting of gags and situations and treatment of characters.

Influenced by quack phychologist Denny, Miss Shirley decides to bring up her baby the modern way. The new-fangled ways don't set very well with the family, who want to indulge in an orgy of old-fashioned petting and coddling. Nurse DuBrey's rigorous enforcing of Denny's rules and regulations creates discord which drives husband Gleason from home and inspires Granny Roberts to do something about it. Her action, in which she is aided by the gangs of the oppressed family members, makes Denny the victim of much slapstick abuse, but it reconciles Miss Deane and Gleason, exiles Miss DuBrey and permits the family to do what they wish in bringing up the child. A couple of gags—the mistaken kidnaping and one that has the baby lined up with a batch of negro infants at a colored baby show—add to the merriment.

Running time, 60 minutes. "A."* G. McC.

---

*"A" denotes adult classification.

'Actress' Sinks Minneapolis to Merest $2,600

MINNEAPOLIS, Nov. 29.—"I Am the Law" aided by Hal Kemp and his orchestra on the stage, was the b[illegible] draw here, grossing $18,000 at the Orpheum. The State did handsomely with "If I Were King'," drawing $9,000, and at the Century, "Young Dr. Kildare" was good for $4,200.

In St. Paul, "If I Were King" was the leader at the Paramount, where it took $6,000. "Stablemates," at the Orpheum, got $4,000 for a six-day run.

Estimated takings for the week ending Nov. 24:

Minneapolis:

"Always In Trouble" (20th-Fox)
"Illegal Traffic" (Para.)
ASTER—(900) (15c-25c) 6 days. Gross: $1,500. (Average, $1,500)

"Young Dr. Kildare" (M-G-M)
CENTURY—(1,600) (25c-40c) 7 days. Gross: $4,200. (Average, $4,000)

"Secrets of An Actress" (F. N.)
GOPHER—(990) (25c) 6 days. Gross: $2,600. (Average, $3,000)

"I Am the Law" (Col.)
ORPHEUM—(2,900) (25c-55c) 7 days. Hal Kemp orchestra on the stage. Gross: $18,000. (Average, $4,800)

"If I Were King" (Para.)
STATE—(2,300) (25c-40c) 7 days. Gross: $9,000. (Average, $4,400)

"That Certain Age" (Univ.)
WORLD—(400) (25c-55c) 6 days. Gross: $1,400. (Average, $1,600)

St. Paul:

"Stablemates" (M-G-M)
ORPHEUM—(2,000) (25c-40c) 6 days. Gross: $4,000. (Average, $3,200)

"If I Were King" (Para.)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: $6,000. (Average, $4,400)

"Garden of the Moon" (F. N.)
RIVIERA—(1,000) (25c) 7 days. Gross: $1,800. (Average, $2,400)

"Swing That Cheer" (Univ.)
"Torchy Gets Her Man" (W. B.)
TOWER—(1,000) (25c) 7 days. Gross: $2,200. (Average, $1,600)

"Drums" (U. A.)
"Gangster's Boy" (Mono.)
WORLD—(400) (25c-35c) "Drums," 5 days. "Boy," 2 days. Gross: $800. (Average, $700)

Detroit 'Traveler' Duals with 'Crowd' To Garner $13,000

DETROIT, Nov. 29.—"The Arkansas Traveler" plus "Four's a Crowd" gave the Michigan a good $13,000. The Fox took $19,000 with "Room Service" and a stage show. "Shining Hour" at the United Artists did well with $8,000.

Estimated takings for the week ending Nov. 25:

"You Can't Take It With You" (Col.)
"Crime Takes a Holiday" (Col.)
ADAMS—(1,700) (15c-40c) 7 days. Gross: $5,000. (Average, $5,000)

"Room Service" (RKO)
FOX—(5,000) (15c-65c) 7 days. Stage: 3 Oxford Boys, Bob Ripa, 4 Hollywood Co-Eds, Sallie Jo Nelson, Arlene Whitney. Gross: $19,000. (Average, $20,000)

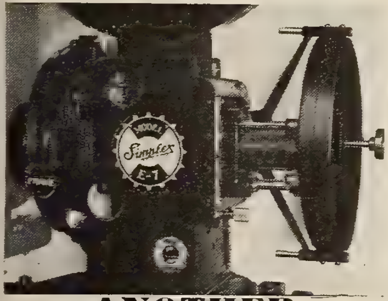
"Four's A Crowd" (W. B.)
"The Arkansas Traveler" (Para.)
MICHIGAN—(4,000) (15c-65c) 6 days. Gross: $13,000. (Average, $10,000)

"Illegal Traffic" (Para.)
"Young Dr. Kildare" (M-G-M)
PALMS-STATE—(3,000) (15c-50c) 7 days. Gross: $5,000. (Average, $5,000)

"Shining Hour" (M-G-M)
UNITED ARTISTS—(2,000) (15c-50c) 6 days. Gross: $8,000. (Average, $8,000)

PATRONS CAN See THE IMPROVEMENT IN LIGHT AND PICTURE PRODUCED BY Simplex TRADE MARK, REG'D E-7

SYNCHRONIZED FRONT and REAR SHUTTERS



ANOTHER Simplex E-7 ADVANTAGE

Simplex Synchronized Front and Rear Shutters produce a dissolving effect which supplies more light without any additional cost, and considerably reduces heat at the aperture. Theatre Owners find that Simplex E-7 Projector pleases audience, attracts new patrons, and is a highly profitable investment.

MANUFACTURED BY
INTERNATIONAL PROJECTOR CORPORATION
88-96 GOLD STREET, NEW YORK, N. Y.
DISTRIBUTED BY
NATIONAL THEATRE SUPPLY COMPANY
BRANCHES IN PRINCIPAL CITIES

Milwaukee Enjoys The 'Waltz' $9,000; 'My Heart' $7,800

Milwaukee, Nov. 29.—"The Great Waltz" and "Always in Trouble" collected high money for the week with $9,000 at Fox's Wisconsin. Second money went to "There Goes My Heart" and "Nancy Drew, Detective," with $7,800 at the Warner.

"You Can't Take It With You" was brought back to Fox's Palace on a dual with "The Gladiator," and was good for $5,500. Others were off.

Estimated takings for the week ending Nov. 24:

"You Can't Take It With You" (Col.)
"The Gladiator" (Col.)
PALACE—(2,400) (35c-50c) 7 days. Gross: $5,500. (Average, $5,000)

"Dark Rapture" (Univ.)
RIVERSIDE—(2,300) (25c-30c) 7 days. Stage: Gracie Barrie and Revue. Gross: $4,500. (Average, $5,000)

"Arkansas Traveler" (Para.)
"I Am the Law" (Col.)
STRAND—(1,400) (35c-50c) 7 days. Gross: $4,000. (Average, $4,500)

"There Goes My Heart" (U. A.)
"Nancy Drew Detective" (W. B.)
WARNER—(2,400) (35c-50c) 7 days. Gross: $7,800. (Average, $5,000)

"The Great Waltz" (M-G-M)
"Always In Trouble" (20th-Fox)
WISCONSIN—(3,200) (35c-50c) 7 days. Gross: $9,000. (Average, $8,000)

"Algiers" $3,500 Is Best in Oklahoma

Oklahoma City, Nov. 29.—"Algiers" did the best comparative gross here, with $3,500 at the State, in a week of sub-freezing temperatures which did the box-office no good.

"King of Alcatraz" dualled with "Touchdown Army," at the Liberty took a fair $2,600.

Estimated takings for the week ending Nov. 23:

"The Young in Heart" (U. A.)
CRITERION—(1,500) (25c-35c-40c) 6 days. Gross: $4,950. (Average, $5,200)

"King of Alcatraz" (Para.)
"Touchdown Army" (Para.)
LIBERTY—(1,200) (20c-25c) 6 days. Gross: $2,600. (Average, $2,500)

"Brother Rat" (F. N.)
MIDWEST—(1,500) (25c-35c-40c) 7 days. Gross: $4,600. (Average, $4,500)

"Algiers" (U. A.)
STATE—(1,100) (20c-25c-40c) 7 days. Gross: $3,500. (Average, $3,000)

"The Arkansas Traveler" (Para.)
TOWER—(1,000) (25c-35c) 6 days, 2nd week. Gross: $2,150. (Average, $2,500)

'Drew' and 'Heart' Get $6,000 in New Haven

New Haven, Nov. 29.—"The Young in Heart" and "Nancy Drew, Detective" led with $6,000 at the Roger Sherman. At the Loew-Poli "The Shining Hour" and "Blondie" grossed $9,000. "Dark Rapture" and "Affairs of Annabel" at the College did $3,000.

Estimated takings for the week ending Nov. 25:

"Dark Rapture" (Univ.)
"Affairs of Annabel" (RKO)
COLLEGE—(1,499) (25c-35c) 7 days. Gross: $3,000. (Average, $2,500)

"The Shining Hour" (M-G-M)
"Blondie" (Col.)
LOEW-POLI—(3,040) (35c-50c) 7 days. Gross: $9,000. (Average, $8,000)

"Service de Luxe" (Univ.)
"Nurse from Brooklyn" (Univ.)
PARAMOUNT—(2,348), 35c-50c) 5 days. Gross: $3,800. (Average, $4,400)

"The Young in Heart" (U. A.)
"Nancy Drew, Detective" (W. B.)
ROGER SHERMAN—(2,200), 35c-50c, 7 days. Gross: $6,000. (Average, $4,700)

Shift Warner Managers

Pittsburgh, Nov. 29.—Warners management changes include the following: William Martin resigned as manager of the Etna in Etna, Pa., and replaced by Harold Friedman, moved from the Ritz; Max Silverman from the Manor to the Ritz with his assistant, Charles Bricker; W. H. Warrington from assistant at Warner to a similar post at the Enright; Edward Hungerman, from the Model to the Warner assistant post and Harry Campbell gets the Model post; Jack Kahn of the zone office advertising department assistant at the Manor.

Cincy Show Raises 'Annabel' to $16,500

Cincinnati, Nov. 29.—"Affairs of Annabel" with "The Battle of the Bands," composed of Don Bestor's and Clyde McCoy's orchestras on the RKO Shubert stage, collected $16,500. "Brother Rat" took $13,000 at the RKO Palace.

"The Great Waltz" had a $3,000 second week at the RKO Grand, and "There Goes My Heart" took $6,500 in its second week at the RKO Capitol.

Estimated takings for the week ending Nov. 24:

"If I Were King" (Para.)
RKO ALBEE—(3,300) (35c-42c) 7 days. Gross: $10,500. (Average, $12,000)

"Brother Rat" (F. N.)
RKO PALACE—(2,700) (35c-42c) 7 days. Gross: $13,000. (Average, $10,000)

"Affairs of Annabel" (RKO)
RKO SHUBERT—(2,150) (30c-40c-60c), 7 days. Stage: "Battle of Bands." Gross: $16,500. (Average, $12,000)

"There Goes My Heart" (U. A.)
RKO CAPITOL—(2,000) (35c-42c) 7 days. 2nd week. Gross: $6,500. (Average, $6,500)

"Men With Wings" (Para.)
RKO LYRIC—(1,400) (35c-42c) 7 days. 2nd week. Gross: $3,300. (Average, $6,500)

"The Great Waltz" (M-G-M)
RKO GRAND—(1,200) (25c-40c) 7 days. 2nd week. Gross: $3,000. (Average, $2,750)

"Girls on Probation" (F. N.) (4 days)
"Sharpshooters" (20th-Fox) (3 days)
RKO FAMILY—(1,000) (15c-25c) Gross: $2,000. (Average, $2,450)

"Young Dr. Kildare" (M-G-M)
KEITH'S—(1,500) (30c-40c) 7 days. Gross: $4,900. (Average, $6,500)

Dull K.C. Excepts "Wings" for $12,400

Kansas City, Nov. 29.—"Men with Wings" outrode the pre-holiday lag and the shock of freezing weather with $12,400 at the Newman and was held. "Five of a Kind" and a stage show gave the Tower $10,100.

Estimated takings for the week ending Nov. 22:

"Dark Rapture" (Univ.)
ESQUIRE—(800) (25c-40c) 7 days. Gross: $2,800. (Average, $3,000)

"Dark Rapture" (Univ.)
UPTOWN—(2,000) (25c-40c) 7 days. Gross: $3,000. (Average, $4,000)

"The Shining Hour" (M-G-M)
"Blondie" (Col.)
MIDLAND—(4,000) (25c-40c) 7 days. Gross: $10,300. (Average, $11,500)

"Men With Wings" (Para.)
NEWMAN—(1,900) (25c-40c) 7 days. Gross: $12,400. (Average, $7,000)

"Magnificent Obsession" (Univ.)
"All Quiet on the Western Front" (Univ.)
ORPHEUM—(1,500) (25c-40c) 6 days. Gross: $3,000. (Average, 6 days, $4,200)

"Five of a Kind" (20th-Fox)
FOX TOWER—(2,200) (25c-35c-55c) 7 days. Stage: Boys' Town Road Show, with A Capella Choir. Gross: $10,100. (Average, $8,000)

A "NATIONAL" reply to the "PRESIDENT'S" call

PROMPT Sales Service goes with Simplex TRADE MARK, REG'D ★ ★ ★ ★ SOUND SYSTEM

Owners of the President Theatre, New York, N. Y. had to have New Sound Equipment Installed between Closing Time and Opening Time.

National Theatre Supply Company accepts order for Simplex Four Star Sound System on these conditions.

Order Signed at 11 A. M. Theatre Closes at 12 Midnight. Sound at 8:45 A. M. Theatre Opens at 12 o'clock Noon.

Dartmouth Amusement Enterprises, Owners, delighted. Say that Simplex Four Star Sound is the finest they have ever had.

MANUFACTURED BY
INTERNATIONAL PROJECTOR CORPORATION
88-96 GOLD STREET, NEW YORK, N. Y.
DISTRIBUTED BY
NATIONAL THEATRE SUPPLY COMPANY
BRANCHES IN PRINCIPAL CITIES

RKO Theatre Divisions in N. Y. Shifted

(Continued from page 1)

advertising department, now run by John Dowd.

Charles McDonald, veteran RKO operator, will have charge of the biggest division, comprising the West Side and Queens group of theatres.

Louis Goldberg will have charge of Brooklyn and the Rockaway theatres, and Russell Emde will run the Westchester and Northern New Jersey theatres.

Coney Island is included in Goldberg's division. In McDonald's division are included the RKO Broadway houses besides the Albee and the Orpheum, in Brooklyn.

McDonald will run 14 theatres; Goldberg, 12; Emde, 11 and Schwartz, 11.

The changes have been made for purposes of increasing the efficiency of operation, and under the new arrangement, to fulfill this aim, the division managers now will have jurisdiction in their territories of both first run and second run houses.

In the past there have been instances where runs were split. Thus a second run in a particular neighborhood was part of one division, while the RKO first run in the same locality might have been under direction of another division manager. This has been altered.

Grainger Leaves for Tour of Middle West

J. R. Grainger, president of Republic Pictures, left yesterday for a tour of the middle west, including St. Louis, Cincinnati, Cleveland and Indianapolis.

Republic has closed a deal with the Skouras Metropolitan Circuit, involving 65 theatres, on the current season's product. Morris Epstein, New York sales head for Republic, and John Benas of Skouras negotiated the deal. Morris Goodman, Republic foreign manager, has closed a deal with Anwar S. Aizer of Alexandria, Egypt, on 1937-'38 features and westerns, and 1938-'39 serials.

Rush Preparations For Schine Dinner

(Continued from page 1)

and the mayors of Albany, Syracuse, Gloversville and Amsterdam have been invited. Two special trains from New York City and another from the west will bring special guests from these points. Ralph Pielow is in charge of transportation.

Among those who have made reservations are George J. Schaefer, Ed Golden, Herbert Yates, Jay Emanuel, W. F. Rodgers, Si Fabian, Abe Montague, W. A. Scully, Nate Blumberg, Herman Robbins, George W. Weeks and others.

Jerry Cooper Renewed

Jerry Cooper has been renewed for another 13 weeks on the "Vocal Varieties" show, as vocalist and m. c. Series is broadcast Tuesdays and Thursdays at 7:15 on the NBC-Red. H. W. Kastor & Son is the agency.

U. A. Asks Severance From Anti-Trust Suit

United Artists, yesterday, filed a motion in Federal Court to have stricken from the U. S. anti-trust complaint against the film companies, the major part of the Government allegation insofar as it refers to United Artists. Inasmuch as those parts of the complaint which refer to U.A. are fairly vague, the granting of such a motion, could amount to virtual dismissal of the action in favor of U. A. This motion was filed for U.A. in support of a plea for a bill of particulars from the Government, such as was sought by other defendants.

No court action on the motion is expected for a couple of weeks, but Columbia and Universal may ask similar relief.

Distributor Trade Pact Draft Is Now Near Completion

Framing of the draft of the distributors' trade practice program is in its final stages, with only a few points of phraseology and sequence remaining to be determined.

After a four-hour session of company sales executives and counsel at the Hays office yesterday, it was said that the draft may be completed by tonight. However, that is uncertain.

The program has been agreed upon substantially by the company representatives conferring, but the work of translating the proposals into written form is taking longer than anticipated. The conferees, while anxious to put a self-regulation program into effect as soon as possible, at the same time want to have the distributors' program in presentable form before submitting it to the exhibitor groups for final approval.

NBC Adding Three Stations to Nets, Making Total 165

NBC's networks expand from 162 to 165 stations with the additions three new stations, WEEU, WRAW and WNBC. Contracts making the three stations part of NBC were effected yesterday.

Two of the stations, WEEU and WRAW, join the Red hookup as optional stations, while WNBC joins the Blue.

Rates for the new units per evening hour are: WNBC, $120; WEEU, $140; WRAW, $120.

WEEU and WRAW are located in Reading, Pa. The former is a daytime station, 830 kilocycles, 1,000 watts, owned by the Burks Broadcasting Co. WRAW operates full time, on 1,510 kilocycles, 100 watts. Only WRAW will carry Red commercials, but both will take Blue network sustaining broadcasts.

WNBC is located in New Britain, Conn., and maintains studios both in New Britain and Hartford. It operates full time, on 1,380 kilocycles, 1,000 watts by day and 250 watts during evening hours. It is operated by the State Broadcasting Corp.

Schaefer Does Not Plan Studio Shakeup

(Continued from page 1)

ture, which will be retitled "The Romantic Vernon Castles."

Approval of RKO's pending reorganization plan by Federal Judge William O. Bondy, tomorrow, may well mean that RKO can emerge from 77b by the first of the year. RKO has been in bankruptcy or 77b for 6 years. That's a record. At the last hearing, the court indicated its possible approval, although certain amendments may be ordered to the plan.

Drugs Are Leading Source Of Questionable Radio Ads

(Continued from page 1)

ers are principals in 30.5 percent of the cases taken up by the F.T.C. This high percentage is inclusive of questionable printed advertising as well as radio. In general, radio has cooperated with the F.T.C. in an endeavor to check this questionable propaganda, and the F.T. C. itself, in its report, credits an interested desire on the part of the national and regional networks, besides the transcription producers and some 600-odd active radio stations, to help eliminate false, misleading and deceptive advertising.

There is even misleading advertising in connection with radio sets, because automobile, radio and refrigerator advertising was a source of nine per cent of the F.T.C. complaints. Food products accounted for 6.8 per cent; cosmetics, 6.1 per cent; health devices, 5.3 per cent.

Apparently, however, the job is an endless one and requires constant watching. Of course, the drug people are not alone in their misuse of radio. Sales promotion plans are the second most prolific cause of F.T.C. complaints. These account for 14.9 per cent of the complaints heard by the commission. Additionally, there are the correspondence school courses, stamp, coin, astrological and other similar subjects, and these account for 12.5 per cent of the complaints.

The F.T.C. report points out that during the fiscal year ended June 30, last, there were submitted to it 490,670 commercial radio continuities. These continuities comprised 1,069,944 pages of typewritten script.

Charges NBC Turning Quiz Into Web Ad

(Continued from page 1)

fidelity radio. O. B. Hanson, NBC chief engineer, charged today. He declared the commission's 10-kilocycle separation between channels makes it necessary to design receivers to cut off side-band reception in order to prevent interference from adjacent channels.

George Porter, F.C.C. counsel, challenged the statement, saying no separation less than 40 kilocyles is now used for stations in the same town.

Physical setup for handling network programs was explained by B. F. McClancy, NBC traffic manager. Prior to the organization of NBC, he said, it was almost impossible to obtain transmission facilities except at great expense. To meet this, RCA entered into a contract with A. T. & T. for wires at reasonable cost, the agreement providing that the benefits would extend to RCA subsidiaries, and thus making the NBC network possible.

N. A. B. Will Move to New Quarters Jan. 1

Washington, Nov. 29.—Increased activity resulting from last spring's reorganization has made it necessary for the National Association of Broadcasters to transfer headquarters from the National Press Building. The offices will be moved Jan. 1 to a new building, as yet unnamed, on K St., where the entire ninth floor has been leased. A number of broadcasting attorneys and engineers are moving to the same building. The new quarters will provide office facilities for visiting members.

Move Harvester Show

Cincinnati, Nov. 29.—"Boone County Jamboree," hillbilly commercial stage show sponsored by International Harvester, from 8:30 to 10:45 P. M., Fridays, with the program from 9 to 9:30 aired over WLW, will move Dec. 16 from the 2,200-seat Emery Auditorium to the 6,000-seat Music Hall from where it will thereafter originate.

G.E. Will Exhibit Television at Fair

Schenectady, Nov. 29.—General Electric is completing arrangements for a television exhibit at the New York World's Fair next year. The exhibit is expected to include demonstrations of television programs to be created by both RCA-NBC and CBS.

G. E. laboratory here currently is experimenting with the application of motion pictures to television. However, it has no plans to produce its own films for televising at its motion picture production laboratory here.

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 44. NO. 107 NEW YORK, THURSDAY, DECEMBER 1, 1938 TEN CENTS

Agreement for Australia Now Faces Setback

Exhibitor Group Presses For Legislation

SYDNEY, Nov. 8.—Plan for a general agreement on Australian exhibitor-distributor problems, which centered about the drafting of a standard exhibition contract, has received a setback.

Claiming the distributors are "stalling," the New South Wales Motion Picture Exhibitors' Association, strongest exhibitor organization in Australia, has joined with local producers in a plea to the state Government for legislation which involves the fundamental operation of the industry.

Pressure is being exerted on Premier Stevens of New South Wales for the establishment of an independent film commission of three members, setting of a British film quota, restriction on theatre licenses, increase in rejection privileges, prevention of overbuying in competitive situations and other matters.

William Harrop, business manager of the M.P.E.A., expressed confidence that legislation would be forthcoming.

Fabian Acquiring 7 on Staten Island

Papers are being drawn whereby the Si Fabian circuit will take over seven Staten Island theatres from Par-Land Theatres on long term leases.

One of the theatres is the Paramount, 2,274-seat house at Stapleton, which is owned by Paramount but pooled with the independent circuit. Negotiations were with the estate of the late Sol Brill, who formerly owned the Staten Island circuit. Harry Shiffman is general manager of Par-Land.

Artists Promise to Aid Refugee Benefit

That leading American artists, painters and sculptors would cooperate with the Motion Picture Art Fund for German Refugees was assured by Max Kalisch, sculptor and associate member of the National Academy, and honorary chairman of the committee.

A nationwide raffle of art works, to be held Feb. 12, was discussed at Sardi's by film company art directors and publicity representatives.

Paris Houses Open In General Strike

Paris, Nov. 30.—Theatres here were open as usual and the film industry escaped almost unscathed during the unsuccessful general strike today. Stagehands and electricians in theatres had been called out, but few if any disaffections were reported. Studios and distributing offices were not affected. Operation of transport service and public utilities in Paris was almost normal.

U.A. Directors Get Facts on Producer Profit Sharing Plan

Murray Silverstone, operating head of United Artists, at yesterday's meeting of the company's board of directors outlined the mechanics of the firm's non-owner producers' profit sharing plan. Under this plan, 50 per cent of the company's profit is devoted to non-owner producers.

Also, the directors heard of plans by U. A. to produce especially for the Latin-American market. Loyd Wright, of California, representing a prospective producer who would undertake to handle this end for U. A., is here now discussing the matter with Silverstone.

The board meeting lasted nearly six hours and was adjourned until Friday, Dec. 9, in order that Alexander

(*Continued on page 2*)

David Selznick Set With United Artists?

CHICAGO, Nov. 30.—Enroute to the Coast, David Selznick revealed he was set on a six-picture deal at United Artists. Nothing was stated regarding the nature of this program or financing of same, nor how the deal was to be spread, whether over one year, three years or more. He stated that he was to start on his U. A. schedule following completion of "Gone With the Wind." This film goes before the cameras around the middle of January. He didn't say when it might be completed, but did indicate it might be ready for release around Thanksgiving Day, next year. He is contemplating making the picture 16 reels long.

Radio P. 7

Imperial Offering 424,000 Shares of New Common Stock

Issue of 424,000 shares of Imperial Pictures, Inc., common stock is being offered today at an initial price of $1.50 a share. Smith, Frizzelle & Co. has underwritten the issue.

The company plans to use the proceeds for the production and distribution of low cost pictures. The prospectus states Imperial contemplates distribution of 45 pictures during the current season through a nationwide exchange system. The cost of acquiring them is given as $700,000, of which $350,000 is expected to be recouped during this season, according to the prospectus.

Proceeds from the stock issue will

(*Continued on page 8*)

Rose, Hicks Coming For Para. Confabs

David Rose, supervisor of Paramount's British production, will accompany John W. Hicks, Paramount foreign head, to New York for a week of general conferences at the home office on the company's British operations. The two will sail from England Saturday on the *Normandie*, arriving here Dec. 8.

Adolph Zukor, Paramount board chairman, is expected in New York early next week in time to participate in the conferences here before sailing for London to take up his new post as head of the company's European operations. Zukor, Hicks and Rose probably will attend the adjourned meeting of the Paramount board, scheduled for Dec. 8.

The Paramount executive committee will meet tomorrow.

Warners Entertain Champion Film Fan

HOLLYWOOD, Nov. 30.—Styling himself the "world's champion movie fan," W. G. Van Schmus, managing director of the Radio City Music Hall, New York, at a luncheon tendered him by Warner executives, players and directors, today declared that he was glad to see that "motion pictures are now not underestimating the intelligence of audiences."

"Audiences in recent years have become more shrewd in the selection of pictures," he declared. "They know, of course, that 'the play's the thing', but they appreciate fine performances."

Van Schmus predicted that this year's yield of films would prove to be the finest in years. A testimonial scroll signed by Warner actors and actresses was presented to him.

Set Anti-Ascap Bills in Iowa And Colorado

Score Charge Not Music Tax, Says Mills

New anti-Ascap legislation with exhibitor backing has been prepared for introduction in the Iowa and Colorado legislatures next month. Sponsorship of the measures is attributed by Ascap in part to the encouragement given anti-Ascap legislation at the recent M. P. T. O. A. Oklahoma City convention.

Taking cognizance of the spread of these state measures, E. C. Mills, chairman of the Ascap administrative committee, yesterday addressed protests to major distributors against identification of the score charge as a "music tax" within the industry. Mills protested that the erroneous impression that Ascap benefits from score

(*Continued on page 8*)

Final Briefs in US Suit Ready in Week

Final submission of briefs to Federal Judge William Bondy on the motions to strike out portions of the complaint and for a bill of particulars in the Government anti-trust case will not be completed until late next week, it was learned yesterday. United Artists has not yet submitted its

(*Continued on page 2*)

New Tax Forms to Simplify Returns

Washington, Nov. 30.—Exhibitor and other corporations with total receipts not exceeding $250,000 a year and net income of less than $25,000, will be relieved of much detail in preparing income tax reports next year by a new four-page corporation form which will replace the highly complicated six-page return heretofore used, the Treasury Department announced today.

New forms have been stripped of all questions which must be answered only by concerns with more than $250,000 incomes, and will simplify work for approximately 85 per cent of the country's corporations, the Treasury said.

Purely Personal

FELICIA, six-year-old daughter of Jimmy Sileo, photographer, youngest member of the Children's Opera Co., will have a leading role in the forthcoming "Snow White" operetta to be given during the Christmas holidays under the direction of Eva Leoni, at the Lyceum Theatre. George Blumenthal is the producer. Felicia will have the role of "Dopey."

•

Julian L. Lesser, son of Sol Lesser, and Genee Mae Kobacher, married recently in Columbus, are in New York, set for a honeymoon of several weeks in Bermuda.

•

Jean Gacon de Cavaignac, French film producer, arrives today on the *Champlain* and may go to Hollywood. Todd Duncan, English actor, is arriving on the same boat.

•

John J. Payette, Warner Theatres Washington zone manager, is the father of a boy, Ronald Crandall, weight 7½ pounds, born at Columbia Hospital, Washington.

•

Lynn Farnol, United Artists advertising and publicity director, left for the coast yesterday for three days of conferences with company producers.

•

Samuel Rinzler of the Randforce Circuit is confined to his home with an injured leg. He expects to be back to his office within two weeks.

•

Stanton Griffis, chairman of the Paramount executive committee, will leave for a Florida vacation in the near future.

•

James Mulvey, eastern representative for Samuel Goldwyn, will leave for the coast today to be gone about three weeks.

•

William F. Rodgers and Tom Connors will represent the M-G-M home office at the Jack Kirsch dinner in Chicago tomorrow.

•

E. M. Hartley, manager of the sound department of National Theatre Supply, is on a tour of the southern branches of the company.

•

Clifford W. Smith left for the coast yesterday to assume his new post as general west coast manager of Erpi.

•

J. Cheever Cowdin is expected in Hollywood on Saturday for conferences with Nate Blumberg.

Kenyon and Husband Return from Europe

Doris Kenyon and her husband, Albert D. Lasker, return today from their honeymoon, abroad. Miss Kenyon is a famous film actress and concert singer. Her husband is in the advertising business. Word has not been had whether Miss Kenyon shall continue her professional career.

Insiders' Outlook

PERHAPS today the distributors may conclude the drafting of the trade practice program. Sidney R. Kent, president of 20th Century-Fox, returned from the south this morning, and the matter undoubtedly awaits his attention. William F. Rodgers, general sales manager of Metro, and chairman of the distributors' committee, may issue a statement on the matter today or tomorrow. What that statement will reveal is not known.

It doesn't seem likely that the distributors will announce the program prior to submitting it for final approval to the exhibitor bodies. That is only a natural course of business. But of course this may have already been done or will be before the distributors publicly indicate what the program shall be. Naturally, a public indication from the distributors at this time would be presumptive of the fact that the program had been completed. Perhaps that's what the distributors will reveal essentially.

▼

But in the trade it is regarded as momentous, no matter what the final program will show, that the various factions in the trade shall have concluded a fair practice policy under which all in the business can operate. That, of course, is the important angle of the situation.

It is undoubtedly true that broad measures of relief will be accorded to the "oppressed" exhibitor. And there has been every indication to date that the new trade practice policy will be designed to benefit the small fellow. That's as it should be. There will be a measure of relief on block booking, on protection, on score charges, and some form of conciliation or arbitration, as it has been previously indicated. The extent of relief on some of these which will be given already has been indicated by one side or the other. However, what the final papers will reveal is eagerly awaited by all within the trade.

▼

If there should be some disappointment in quarters regarding the final result, that must be viewed with understanding that it is impossible to obtain a program which will be 100 per cent agreeable to every group in the business. But that the program will be fair to the greatest number, and feasible for all, is pretty well assured.

S. S.

Levy Pleads Guilty In Waterbury Case

Waterbury, Conn., Nov. 30.—Edward G. Levy, general counsel for the M. P. T. O. A. and Connecticut M. P. T. O., pleaded guilty yesterday in Superior Court here, as 27 other defendants went on trial on conspiracy charges, accused of defrauding the city of Waterbury of more than $1,000,000.

Levy's New Haven law firm, Levy and Levy, had participated in a revamping of Waterbury's light rates, as a result of which he is said to have saved the city $250,000 in a few years, and for which he collected fees which are now in dispute. He has been serving the M. P. T. O. A. since 1932 and the state unit since 1927.

Final Briefs in US Suit Ready in Week

(*Continued from page* 1)

memorandum but is expected to do so this week.

Thereafter, the Government will request additional time to study all briefs and submit a reply. It is understood that the Government will not start its reply until the U. A. brief is received.

Ross Transfers Gearty

Kansas City, Nov. 30.—Phil Gearty, assistant to W. O. Redden of Ross Federal Service here, has been transferred to Chicago. W. C. Clayton, field representative, succeeds him.

Du Pont Seeks Halt On Pathe Stock Sale

E. I. du Pont de Nemours & Co. filed suit in the U. S. District Court here yesterday against Pathe Film Corp. to enjoin the transfer of DuPont Film Corp. stock to Pathe stockholders under the proposed plan of dissolution without first offering the stock to the plaintiff on equal terms. In the alternative, the complaint asked that Pathe be required to stamp on the stock certificates a statement to the effect that they are subject to a contract with du Pont.

O. H. Briggs, president of Pathe, declared that the suit was based on a contract made in 1925, under which Pathe agreed not "to sell or otherwise dispose of" the stock. Subsequent agreements superseded the original contract and omitted the words "or otherwise dispose of," according to Briggs.

The complaint set forth that the proposed plan threatened a breach of contract and would cause "irreparable damage." Under the plan, a large number of small stockholders would be created, it was alleged, and the plaintiff was ready to purchase all or any of the 3,500 shares of DuPont Film now held by Pathe.

Republic Gets Lamont

Hollywood, Nov. 30.—Fine Arts has suspended production here until after the first of the year. Charles Lamont, associate producer, signed today with Republic to direct "Pride of the Navy."

U.A. Directors Get Facts on Producer Profit Sharing Plan

(*Continued from page* 1)

Korda might have the opportunity of sitting in on the profit sharing discussions before they are finally put into effect. Perhaps, also by that time the U. A.'s South American expansion plans will be ready. Korda arrives Dec. 8.

Whether or not a shareholders' meeting also will be held while Korda is in New York remains to be determined. Korda will go to Hollywood after a brief New York stay. He plans to make at least one film or two on the Coast. One of these may be "Pocahontas," with Merle Oberon.

Whether or not the shareholders' meeting will take action regarding election of officers has not been revealed.

Sears Leaves for Sales Drive Tour

Gradwell L. Sears, Warner sales head, has left on a swing of exchanges in connection with the annual sales drive which runs for 16 weeks from Dec. 25, and will obtain field reaction for guidance in setting the new program. Hal B. Wallis, S. Charles Einfeld and Jack L. Warner will leave for the coast tonight, following conferences here. Sears is scheduled to arrive at the studio about Jan. 15.

Alignment of releases for the period of the drive and merchandising campaigns were also set during the meetings here. "Dawn Patrol" has been set as the Christmas Week release, with other December dates following: "Comet Over Broadway," Dec. 3; "Heart of the North," Dec. 10; "Going Places," Dec. 31. Others are "Wings of the Navy," "Crime Is a Racket," "Off the Record," "Dark Victory," "Oklahoma Kid," "Yes, My Darling Daughter" and "Blackwell's Island."

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco. New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: Motion Picture Herald, Better Theatres, Teatro al Dia, International Motion Picture Almanac and Fame.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London: Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

Only "King" Stands Up in Philadelphia

Philadelphia, Nov. 30.—"If I Were King" did $18,000 at the Boyd and the Earle with "Service de Luxe" and a stage show took $17,500. "The Shining Hour" drew $14,000 at the Stanley. Rest of the attractions slumped.

Estimated takings for the week ending Nov. 25:

"Young in Heart" (U. A.)
ALDINE—(600) (45c-55c-65c-76c) 7 days. 2nd week. Gross: $7,000. (Average, $8,160)

"Mad Miss Manton" (RKO)
ARCADIA—(600) (25c-40c-55c) 6 days. Gross: $1,700. (Average, 7 days, $2,800)

"If I Were King" (Para.)
BOYD—(2,400) (40c-55c-65c) 7 days. Gross: $18,000. (Average, $14,00)

"Service De Luxe" (Univ.)
EARLE—(2,000) (25c-40c-55c) 6 days. Stage: Dick Foran, Ann Miller, Roger Pryor and Band. Gross: $17,500. (Average, $14,000)

"Just Around the Corner" (20th-Fox)
FOX—(3,000) (40c-55c-65c-75c). Gross: $10,000. (Average, 7 days, $14,000)

"Men With Wings" (Para.)
KARLTON—(1,000) (25c-40c-55c) 7 days. Gross: $2,800. (Average, $4,000)

"Brother Rat" (W. B.)
KEITH'S—(2,000) (25c-40c-55c) 7 days. Gross: $3,000. (Average, $4,000)

"The Shining Hour" (M-G-M)
STANLEY—(3,700) (40c-55c-65c) 7 days. Gross: $14,000. (Average, $14,000)

"Young Doctor Kildare" (M-G-M)
STANTON—(1,700) (25c-40c-55c) 7 days. Gross: $5,000. (Average, $4,700)

Montreal Goes Big For Horror Double

Montreal, Nov. 30.—"If I Were King" reigned here with $12,000 at the Palace theatre. Second week of "Boys' Town" grossed $6,500 for the Capitol. "Dracula" and "Frankenstein" brought $7,500 to the Princess, and "The Young in Heart" registered $4,000 for its second week at the Orpheum.

Estimated takings for the week ending Nov. 26:

"Boys Town" (M-G-M)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: $6,500. Second week. (Average, $9,500)

"Listen Darling" (M-G-M)
LOEW'S—(2,800) (25c-40c-50c) 7 days. Stage: Milt. Britton's band and vaudeville. Gross: $6,000. (Average, $8,000)

"The Young in Heart" (U. A.)
"Touchdown, Army" (Para.)
ORPHEUM—(919) (25c-35c-50c, 7 days. Gross: $4,000. 2nd week. (Average, $5,000)

"If I Were King" (Para.)
PALACE—(2,600) (25c-40c-55c-65c) 7 days. Gross: $12,000. (Average, $11,000)

"Dracula" (Univ.)
"Frankenstein" (Univ.)
PRINCESS—(2,272) (25c-35c-50c-65c) 7 days. Gross: $7,500. (Average, $7,000)

Expunge Old Para. Claim

Claims totaling $1,397,417 of G. B. Theatres Corp. against the Paramount-Publix Corp. have been expunged by Federal Judge Alfred C. Coxe upon recommendation of Special Master John E. Joyce. No objection was made to the elimination of the claims. The suit is based upon the assumption in 1926 by Paramount-Publix of two indentures given by G. B. when the latter's assets were taken over. Olympia Theatres, Inc., subsequently undertook payment of the indentures, and they were liquidated in the Olympia receivership.

Hollywood Preview

"Flirting with Fate"

(M-G-M-David L. Loew)

Hollywood, Nov. 30.—This time the misadventures of Joe E. Brown take place in the South American gaucho country. Based on a simple premise—the hero is trying to get his troupe of showfolks back to New York—the production is a series of ridiculous gags. Brown is, of course, the focal point of all that goes on. However, not only is he ably supported but the picture takes on added name value from the presence of Leo Carrillo, Beverly Roberts, Steffi Duna, Wynne Gibson, Charles Judels, Stanley Fields, Leonid Kinsky and Chris Martin in the cast.

Trouble starts for Brown and his troupe when, instead of getting a theatre manager's auto out of the mud, he sinks the fiery gentleman further into it. Determined to commit suicide, so that his life insurance money will provide passage funds, the ant poison he drinks turns out to be native fire water. Inebriated, he beards a fierce bandit (Carillo) in his lair, insults that worthy to a fare-thee-well, yet escapes the firing squad. Masquerading in a bull's hide, he stages a rough brawl with a tough bull, but still lives. He goes through a revolution unscathed. But, his actors having been involved in the wild goings on, Brown threatens to blow up all and sundry with a bottle of nitro-glycerine which he thinks is water. Guaranteed safe passage, he does throw the bottle over his shoulder, but it does no damage and the happy ending is attained.

Dan Jarrett and A. Dorian Otvos wrote the story, for which the screenplay was done by Joseph Moncure March, Ethel LaBlanche, Charlie Melson and Harry Clork. Frank McDonald directed. The efforts of the writers, director, star and cast were pointed toward serving up a typical Joe E. Brown comedy.

Running time, 70 minutes. "G."* G. McC

"Little Orphan Annie"

(Paramount)

Hollywood, Nov. 30.—Producer John Speaks, director Ben Holmes, writers Bud Wilson Schulberg, Samuel Ornitz and Endre Bohem seem to have striven to retain in this filming of an episode in the adventurous life of Harold Gray's cartoon heroine the essence of that attenuated plausibility and exaggerated melodrama which is the hall-mark of the modern comic strip. A noble endeavor, it is regrettably reported that large sections of the preview audience didn't wait to see how it came out. Such laughter and excitement as were manifested came from the very young, and briefly.

Ann Gillis as Annie is personable and charming but has impossible things to do. J. Farrell MacDonald, Robert Kent and June Travis, the adult principals, are similarly handicapped. The setting is a poor section of New York City and the tale is about a young boxer financed secretly by the impoverished citizens in hope of reward through victory. A gangster-ish loan shark somewhat implausibly kidnaps the boxer to protect his customers against winning money with which to pay their debts to him and the ladies of the community beat up the gangster and his musclemen with rolling pins in a protracted slapstick sequence that might be much funnier in pen and ink than it is in this form.

Running time, 58 minutes. "G."* Roscoe Williams

**"G" denotes general classification.*

"Birth" Petition Denied

Troy, Nov. 30.—American Committee for Maternal Welfare, Inc., and Sam Citron, producer of "The Birth of a Baby," petitioners in an action which seeks to set aside the ruling of the State Board of Regents, lost their motion for a jury trial here. Supreme Court Justice Pierce H. Russell declared that the suit should have been brought before the Appellate Division and not the Supreme Court.

Altec, Skouras in Deal

Skouras Theatres Corp. has closed a deal with Altec Service Corp. to service the 58 houses operated and controlled by the circuit. Jules Catsiff acted for the circuit and Bert Sanford, Jr., for Altec.

Saints, Sinners Will Honor Christenberry

Robert K. Christenberry, vice-president and general manager of the Hotel Astor, will be the "fall guy" at the next luncheon meeting of Dexter Fellows Tent, Circus Saints and Sinners Club of America, to be held at the Astor on Dec. 14, at 12:30 P. M

Charter Two Companies

Albany, Nov. 30.—European News and Film Co., Inc., has been chartered here to deal in pictures. Directors are Israel J. Beck, Edwin Marks and Mildred Doelle of Freeport, L. I. Also incorporated was Popular Productions, Inc., by Ann Victor, Florence Abramson and Josephine Langfelder, New York.

Frisco Gives Nice $14,500 To 'Cowboy'

San Francisco, Nov. 30.—"Cowboy and the Lady" topped grosses with $14,500 at the United Artists. "You Can't Take It With You" also displayed a box-office kick, taking $11,000 at Orpheum.

"The Great Waltz" paired with "Road Demon" was disappointing at the Warfield, drawing $11,500.

Estimated takings for the week ending Nov. 22:

"A Man to Remember" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days. Stage: vaudeville. Gross: $13,500. (Average, $16,000)

"The Cowboy and the Lady" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c-65c) 9 days. Gross: $14,500. (Average, $7,000)

"You Can't Take It With You" (Col.)
ORPHEUM—(2,440) (15c-35c-40c-55c), 7 days. Gross: $11,000. (Average, $8,500)

"Suez" (20th-Fox)
PARAMOUNT—(2,740) (15c-35c-40c-55c-75c) 4 days, 3rd week. Gross: $4,000. (Average, $13,000)

"Brother Rat" (W. B.)
"King of Alcatraz" (Para.)
FOX—(5,000) (15c-35c-40c-55c-75c) 7 days. Gross: $15,000. (Average, $17,000)

"Stablemates" (M-G-M)
"Road to Reno" (Univ.)
ST. FRANCIS—(1,400) (15c-35c-40c-55c-75c) 7 days, 2nd week (moved over from Fox). Gross: $5,500. (Average, $7,000)

"The Great Waltz" (M-G-M)
"Road Demon" (20th-Fox)
WARFIELD—(2,680) (15c-35c-40c-55c-75c) 7 days. Gross: $11,500. (Average, $13,000)

"Grand Illusion" (World)
CLAY—(400) (15c-35c-40c) 7 days, 3rd week. Gross: $1,100. (Average, $1,300)

"Moonlight Sonata" (U. A.)
LARKIN—(390) (15c-35c-40c) 7 days, 5th week. Gross: $950. (Average, $1,300)

'Girls' School' Gets $15,300 in Cleveland

Cleveland, Nov. 30.—"Brother Rat" held top place here for the second consecutive week, with $5,900 at the Allen.

Gypsy Rose Lee, vaudeville headliner at the RKO Palace, was the big draw with "Girls' School" as the screen attraction, at $15,300. Weather was clear the first part of the week with extreme cold and heavy snow the last half.

Estimated takings for the week ending Nov. 23:

"Brother Rat" (W. B.)
ALLEN—(3,000) (30c-35c-42c) 7 days. 2nd week. Gross: $5,900. (Average, $4,000)

"Submarine Patrol" (20th-Fox)
WARNERS' HIPPODROME — (3,800) (30c-35c-42c) 7 days. Gross: $9,000. (Average, $12,000)

"Girl's School" (Col.)
RKO PALACE—(3,100) (30c-42c-55c) 7 days. Stage: Gypsy Rose Lee and vaudeville. Gross: $15,300. (Average, $15,000)

"The Shining Hour" (M-G-M)
LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: $11,500. (Average, $13,000)

"The Great Waltz" (M-G-M)
LOEW'S STILLMAN—(1,900) (30c-35c-42c) 7 days. 2nd week. Gross: $4,500 (Average, $5,000)

Eden Cancels CEA Talk

London, Nov. 30.—Anthony Eden, former British Foreign Secretary, has cancelled his planned speech at the dinner here of the Cinematograph Exhibitors' Association Dec. 13, because it conflicts with the convention in New York of the National Association of Manufacturers, Dec. 12, at which Eden is scheduled to speak. Viscount Cranborne will speak instead.

NATURE SAID, "LET THERE BE A GREAT LAND, BRAVE WOMEN... AND BOLD MEN TO GUARD THEM!"

Rushing rivers . . . sky-piercing peaks . . . trackless plains of the Great Northwest! . . . Land of rich furs and yellow gold, luring reckless men to adventure! . . . Land where civilization fades and a woman's lips set a wilderness aflame . . . Guarding this vast dominion, a handful of red-coated heroes blaze their legend, "Get your man!" . . . and law at the point of a rifle hangs crime on the end of a rope! . . . Here at last—in living color—is the romance of Canada's Royal Mounted! . . . Here—in the grandest scenes on earth—is the epic of America's last frontier! . . . Here's courage in a thousand dangers, and love for him who wins it fighting!

WARNER BROS. PRESENT

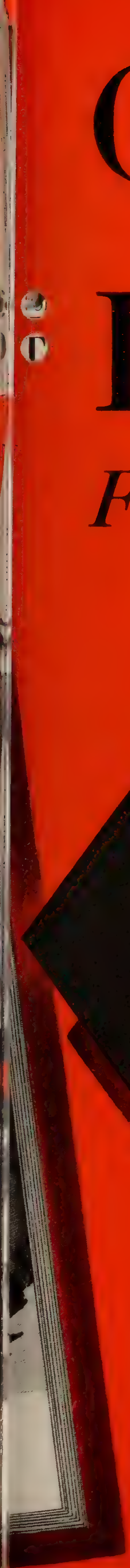
HEART OF THE NORTH

IN TECHNICO

[THEATRE IMPRINT HERE]

On the Screen *and* In the Papers

For a Mid-December Mop-Up!



TO BE READ THRU THE LENGTH AND BREADTH OF THIS LAND BY MORE THAN 28 MILLION FAMILIES! CLIMAX OF THE ACTION-PACKED CAMPAIGN BEHIND THIS ACTION-JAMMED JAMBOREE FROM WARNER BROS!

It runs full-page size in full color in *The American Weekly* (top circulation of any publication anywhere!).It's timed to catch the picture's national release...*wire your booking now and your own theatre name will be carried in the ad!*

'Drums' Leads Seattle With Great $8,700

SEATTLE, Nov. 30.—"Drums" led the town with $8,700 at the Liberty. A dual of "Submarine Patrol" and "Swing That Cheer" at the Paramount was strong at $7,150.

"Stablemates" and "Touchdown Army" at the Fifth Avenue was fair. The weather turned colder.

Estimated takings for the week ending Nov. 25:

"Suez" (20th-Fox)
BLUE MOUSE—(950) (30c-40c) 6 days, 3rd week, extended run from Paramount. Gross: $3,200. (Average, $4,000)

"Stablemates" (M-G-M)
"Touchdown Army" (Para.)
FIFTH AVENUE—(2,500) (30c-40c-55c) 6 days, 2nd week. Gross: $6,800. (Average, $7,000)

"Drums" (U. A.)
LIBERTY—(1,800) (20c-30c-40c-55c) 7 days. Gross: $8,700. (Average, $5,000)

"The Great Waltz" (M-G-M)
MUSIC BOX—(950) (30c-40c-55c) 6 days, 3rd week, extended run from Fifth Avenue. Gross: $3,100. (Average, $4,000)

"The Citadel" (M-G-M)
"Listen Darling" (M-G-M)
ORPHEUM—(2,450) (30c-40c) 6 days, 2nd week. Gross: $5,350. (Average, $6,000)

"Shadows Over Shanghai" (G. N.)
"Fugitives For a Night" (RKO)
PALOMAR—(1,500) (15c-25c-35c-40c) 7 days. Vaudeville headed by Capt. Dobbsie. Gross: $5,400. (Average, $5,000)

"Submarine Patrol" (20th-Fox)
"Swing That Cheer" (Univ.)
PARAMOUNT—(3,050) (30c-40c) 6 days. Gross: $7,150. (Average, $6,000)

Marino Sets 2nd Short

Sam Marino, who recently completed "Jai-Lai" as the first of a series of six one-reelers on novelty sports subjects, will feature an all-girl football team in his second production now in preparation.

Kennedy Joins G. N.

SAN FRANCISCO, Nov. 30.—L. E. Kennedy, former Pathe branch manager in Denver, has been added to the San Joaquin Valley sales force of Grand National.

Out Hollywood Way

HOLLYWOOD, Nov. 30.—BRYAN FOY has arranged a deal with the San Francisco World's Fair executives to use the fair for a background of a "Torchy Blane" series. It will be titled "Torchy at the World's Fair." . . . ELY CULBERTSON, bridge expert, has been signed by Paramount as technical advisor on bridge sequences in Paramount's "Midnight" . . . HARRY SHERMAN'S final picture of the year for Paramount release, "Heritage of the Desert," from the ZANE GREY title, will have a cast headed by EVELYN VENABLE, DONALD WOODS, C. HENRY GORDON, SIDNEY TOLER, ROBERT BARRAT and PAUL FIX. Sherman resumes production of the "Hopalong Cassidy" pictures, starring William Boyd, in April of 1939. MAUREEN O'SULLIVAN and RALPH BELLAMY head the cast, with HENRY FONDA, of Columbia's "Let Me Live."

After a five year absence from the screen, INA CLAIRE has signed a term contract with M-G-M and will appear in "I Take This Woman," costarring SPENCER TRACY and HEDY LAMARR. . . . VIRGINIA BRUCE has been given the feminine lead opposite NELSON EDDY in M-G-M's "Song of the West" . . . BRIAN DONLEVY is now the actor who will feel the lash of a 20-foot bull whip in AKIM TAMIROFF'S hands in Paramount's "Union Pacific." CHARLES BICKFORD passed up the role, and J. CARROLL NAISH, later selected, had another commitment . . . PATSY MACE, 18-year-old Hollywood girl who won the title of "Miss Motion Pictures," at a beauty contest, has been given a term contract by Paramount . . . ROGER DANIEL, 15-year-old actor, replaces FRANKIE THOMAS in EDWARD SMALL'S "King of the Turf." FRANKIE was prevented from taking the role because of his work in a Warner picture . . . JIMMY CAGNEY'S Greeting, "Whadd'ya hear, whadd'ya say?," used in "Angels With Dirty Faces," has been used as a title of a song written by HARRY WARREN. IRVING FEIN is doing the lyrics. Witmark will publish it.

✚

Casting—JERRY COLONNA and LUIS ALBERNI to "Always Leave Them Laughing," Warners . . . DICK PURCELL to "Tough Kid," Monogram, which will star FRANKIE DARRO . . . MARJORIE REYNOLDS and MILBURN STONE have been signed by Monogram for roles in the six "Tailspin Tommy" features to feature JOHN TRENT . . . WALTER CONNOLLY and REX INGRAM, the latter the noted colored actor, have been signed by M-G-M for "Huckleberry Finn." . . . VIRGINIA GREY and RITA JOHNSON to "Broadway Serenade," M-G-M . . . Paramount has obtained the DON COSSACK chorus for "Hotel Imperial" . . . J. M. KERRIGAN to "Union Pacific" at Paramount . . . RAYMOND WALBURN to "Song of the West," M-G-M . . . BARBARA PEPPER to "The Awakening of Katrina," at the same lot.

✚

Contracts—M-G-M has signed JUNE PREISSER, comedienne and acrobatic dancer, to a term contract and renewed the pacts of RUTH HUSSEY, featured player, and REINHOLD SCHUNZEL, ROBERT SINCLAIR and LESLIE FENTON, directors . . . Paramount has signed FREDERICK JACKSON to a term contract, assigning him to the ANDREW STONE unit, following his work on "Say It With French." LAURA WILCK set the deal.

✚

Writers—GROVER JONES has been signed by HAL ROACH to write the script for "Captain Midnight," which will star BRIAN AHERNE and VICTOR McLAGLEN . . . Warner assignments: WARREN DUFF on the script of "Glitter," RAYMOND SCHROCK on an original, "Girls' Reform School," FRED NIBLO, JR., on "The Return of Dr. X," ANTHONY COLDEWAY on "Student Nurse" and VINCENT SHERMAN on "Gantry the Great."

'Boy'--'Sisters' Strong in Hub With $16,000

BOSTON, Nov. 30.—"The Sisters," doubled with "Gangster's Boy" at Metropolitan, took $16,000.

The Paramount and Fenway were strong with "Hard to Get" and legal Traffic." The dual brought $7,000 at the Fenway and $9,000 at the Paramount. Estimated takings for the week ending Nov. 26:

"Hard to Get" (W. B.)
"Illegal Traffic" (Para.)
FENWAY — (1,382) (25c-35c-40c-55c) 7 days. Gross: $7,000. (Average, $4,500)

"Stablemates" (M-G-M)
"Listen Darling" (M-G-M)
LOEW'S ORPHEUM—(2,907) (25c-35c-40c-55c) 7 days, 2nd week. Gross: $13,000. (Average, $12,000)

"Stablemates" (M-G-M)
"Listen Darling" (M-G-M)
LOEW'S STATE—(3,537) (25c-30c-40c-55c) 7 days, 2nd week. Gross: $8,500. (Average, $11,000)

"The Sisters" (W. B.)
"Gangster's Boy" (Mono.)
METROPOLITAN—(4,332) (25c-35c-40c-55c) 7 days. Gross: $16,000. (Average, $11,000)

"Hard To Get" (W. B.)
"Illegal Traffic" (Para.)
PARAMOUNT—(1,790) (25c-35c-40c-55c) 7 days. Gross: $9,000. (Average, $8,000)

"Little Tough Guys in Society" (Univ.)
"Annabel Takes a Tour" (RKO)
RKO MEMORIAL—(2,970) (25c-35c-40c-55c) 7 days. Gross: $9,000. Average, $13,000)

'Manton,' Heidt Beat Pittsburgh Storm at $30,800

PITTSBURGH, Nov. 30.—A traffic-paralyzing snowstorm raised havoc with grosses for Thanksgiving Day, ending a week of spotty business. "The Mad Miss Manton" and Horace Heidt and band drew $30,800.

"The Citadel" in its second week gave the Warner a good $6,300. "Dark Rapture" at the Fulton brought in $5,200 and won a second week.

Estimated takings for the week ending Nov. 24:

"The Mad Miss Manton" (RKO)
STANLEY—(3,756) (25c-60c) 6 days. Horace Heidt's band on stage. Gross: $30,800. (Average, $21,000)

"Girls' School" (Col.)
"Mr. Moto" (20th-Fox)
ALVIN—(1,850) (25c-50c) 7 days. Gross: $5,800. (Average, $5,900)

"Dark Rapture" (Univ.)
FULTON—(1,750) (25c-40c) 7 days. Gross: $5,200. (Average, $4,800)

"The Shining Hour" (M-G-M)
PENN—(3,400) (25c-50c) 7 days. Gross: $12,000. (Average, $14,000)

"The Citadel" (M-G-M)
WARNER—(2,200) (25c-50c) 7 days. Gross: $6,300. (Average, $5,500)

Dismiss Van Beuren Suit

N. Y. Supreme Court Justice William T. Collins has dismissed the $100,000 damage action brought by Joan Lowell against the late Amedee J. Van Beuren for failure of the plaintiff to prosecute her action. The complaint charged that the defendant had "interfered" with a contractual relationship between the plaintiff and the Van Beuren Corp.

Omaha Is Strong for 'King' and 'Numbers'

OMAHA, Nov. 30.—"If I Were King," dualled with "Safety in Numbers," pulled $9,200 at the Omaha for the best of a mediocre week. Warm weather hurt general business also.

"Valley of the Giants" and "Five of a Kind" were good for $8,000 at the Orpheum.

Estimated takings for the week ending Nov. 23:

"Brother Rat" (F. N.)
"Tarnished Angel" (RKO)
"Breaking the Ice" (RKO)
"Smashing the Rackets" (RKO) (4 days)
BRANDEIS—(1,200) (25c-35c-40c) Gross: $4,800. (Average, $4,000)

"If I Were King" (Para.)
"Safety in Numbers" (20th-Fox)
OMAHA—(2,200) (25c-40c) 7 days. Gross: $9,200. (Average, $5,500)

"Valley of the Giants" (W. B.)
"Five of a Kind" (20th-Fox)
ORPHEUM—(3,000) (25c-40c) 6 days. Gross: $8,000. (Average, $7,200)

"Men With Wings" (Para.)
"Campus Confessions" (Para.) (3 days, 2nd week)
"Four's a Crowd" (W. B.)
"Strange Faces" (Univ.) (4 days)
PARAMOUNT—(3,000) (25c-40c). Gross: $4,200. (Average, $4,500)

This advertisement appears as a matter of record only and is under no circumstances to be construed as an offering of these securities for sale, or as an offer to buy, or as a solicitation of an offer to buy, any of such securities. The offering is made only by the Prospectus.

424,000 Shares

Imperial Pictures Inc.

Common Stock
($1.00 Par Value)

Initial Offering Price
$1.50 per Share

Copies of the Prospectus may be obtained from the undersigned.

SMITH, FRIZZELLE & CO.
INC.
60 Wall Tower, New York
Phone HAnover 2-9140 Bell System Teletype NY 1-1838

FCC Calendar

WASHINGTON, Nov. 30. — Federal Communications Commission has assigned tentative dates for hearings on broadcasting applications, as follows:

Jan. 9: Applications of Lawrence J. Heller for a 1,310-kilocycle station at Washington, with 100 watts night, [illegible] watts day; KGNO, Dodge City, Kan., for increase of power from 250 to 500 watts, and WJRD, Tuscaloosa, [illegible], for extension of time from day to unlimited with 100 watts night, 250 watts day.

Jan. 23: Applications of Northwestern Broadcasting Association for a 1,310-kilocycle, 100-watt station at Evanston, Ill.; Bureau of Education for a 1,420-kilocycle, 100 watt daytime station at Montebello, Cal., and WFIL, Philadelphia, for increase of day power from 1,000 to 5,000 watts

Feb. 6: Applications of Central Broadcasting Corp. for a 1,500-kilocycle station at Worcester, with 100 watts night, 250 watts day: Kingston Broadcasting Corp. for a 1,500-kilocycle, 100-watt daytime station at Kingston, N. Y., and WSGN, Birmingham, Ala., for change of frequency from 1,310 to 1,290 kilocycles and increase of power from 100 watts night, 250 watts day, to 1,000 watts.

Puerto Rico Hearings Set

Feb. 14: Applications of Enrique Abarca Sanfeliz for a 580-kilocycle station at San Juan, P. R., with 1,000 watts night, 5,000 watts day, and United Theatres, Inc., for a 580-kilocycle, 1,000-watt station at San Juan, P. R.

Feb. 27: Application of WHLS, Port Huron, Mich., for extension of time from day to unlimited with 100 watts night, 250 watts day.

The commission has ordered hearings on the applications of Publix Bamford Theatres, Inc., for a new 1,430-kilocycle, 1,000-watt broadcasting station at Asheville, N. C.; Elgin Broadcasting Association for a 1,500 kilocycle, 100-watt daytime station at Elgin, Ill., and Vincennes Newspapers, Inc., for a 1,420-kilocycle, 100-watt station at Vincennes, Ind.

Hearings also were ordered on the applications of WSNJ, Bridgeton, N. J., for extension of time from day to unlimited with 100 watts night, 250 watts day, and WDGY, Minneapolis, for extension of time from limited to unlimited.

Plishker Gets New Westinghouse Post

Herbert E. Plishker, who for more than 11 years has been a member of the advertising force of Westinghouse Electric and Mfg. Co., lamp division, has been appointed sales promotion manager of that department, succeeding J. F. O'Brien, who recently resigned. Plishker was formerly with the Pratt & Lindsay Advertising Co.

WABC Shows via Wayne

Effective at once, all CBS programs broadcast over WABC will be sent to the transmitter in Wayne, N. J. over newly installed high fidelity circuits. The new circuits have a tonal range of nine octaves, which means, according to engineers, that pickups will be clearer and sharper than heretofore, especially musical programs.

Garden Television To Highest Bidder

Television rights to Madison Square Garden events will go to the highest bidder when and if a commercial market for such rights comes into existence, Stanton Griffis, chairman of the board of the Garden and chairman of the Paramount executive committee, said yesterday.

Griffis added that he, personally, would have nothing to do with negotiations for such rights, implying that he would not inject himself into a situation in which his Paramount and Madison Square Garden interests might conflict. His statement was made in answer to a report that television rights to Garden events would go to DuMont Laboratories, in which Paramount is interested.

FCC to Hear Plea Of WLW for Super Power December 15

WASHINGTON, Nov. 30.—Preparing to determine finally the desirability of super-power early next year, the Federal Communications Commission today declared oral argument on the WLW application for continuance of its super-power permit would be heard Dec. 15.

With its application for extension of the permit held up, the station for many months has been operating on a temporary status. Lengthy hearings were held on the application last summer, following even longer hearings on the question of whether super-power use should be made more general.

Manufacturers, NAB In Chicago Meeting

CHICAGO, Nov. 30.—Committees of the Radio Manufacturers Association and the National Association of Broadcasters met at the Stevens Hotel here today to discuss ways and means for mutual cooperation on promotion matters and problems concerning their activities.

It is learned that each committee will report back to its own group, with subsequent working out of specific plans.

Form Broadcasting Corp.

SAN FRANCISCO, Nov. 30.—Headed by William L. Gleason, former manager of KYA's Oakland studios, the Broadcasting Corp. of America, capitalized at $25,000, has filed articles of incorporation in Sacramento. Also named as leaders in the new group are E. W. Laisne, head of the Progressive Optical System, which used radio time, and Loyal C. Kelly of Riverside.

Reed KROW Manager

SAN FRANCISCO, Nov. 30.—Jack Reed, former Fanchon and Marco vaudeville performer, has been named manager of KROW's local studios.

NBC Explains Its Purchase of WPTF

William S. Hedges, NBC vice-president in charge of station relations, yesterday issued a statement regarding NBC's purchase of WPTF, Raleigh, N. C.

WPTF, owned by the Durham Life Insurance Co., originally was restricted to daytime operation only. In order to remain on the air after sundown, the owners made a deal with NBC to use the 680-kilocycle channel of NBC's San Francisco station, KPO. In order to protect KPO's channel, Hedges states, the network asked for and obtained an option on the station's capital stock. This arrangement continued satisfactorily until recently, when the Durham Insurance Co. declared itself unwilling to continue with the arrangement. This action, according to Hedges, allowed NBC no alternative except to exercise its option.

Accordingly, NBC has paid $210,000 to the Durham Insurance Co. The first option given by Durham was for $75,000. The price, however, has been advanced with each renewal and in the course of five years advanced to the $210,000 figure.

Mindful apparently of unfavorable press and business reaction in North Carolina, Hedges' statement gives assurances that the station will continue to be operated by North Carolinians if such a deal can be arranged.

Gulf Gas Finally Signs Guild Show

Screen Actors' Guild program for the Gulf Gas Co. has finally been set, and will start on Jan. 8 from 7:30 to 8 P. M. over the same CBS hookup now being used by John Nesbit's "Passing Parade."

The deal culminates months of negotiations between the S.A.G. and the sponsor. The guild was represented by the Music Corp. of America, while Young & Rubicam, Gulf's agency, acted for their client.

Every detail of the program, from script, production and direction, to the presentation of the players, will be handled by the S.A.G. All salary payments will be turned over by the sponsor directly to the Motion Picture Relief fund.

Post Series on WOR Starts Next Sunday

New York *Post* will sponsor a Sunday full hour program on WOR for 13 weeks, starting next Sunday. The series will be in behalf of the *Post's* current circulation drive with give-aways of an album of recorded classical music.

The series will consist of playings of recordings contained in the album. Amos Parrish & Co. placed the contract.

Irna Phillips to Coast

Irna Phillips, author of "Guiding Light," "Woman in White" and "Road of Life," will leave for Hollywood today to negotiate the sale of a new radio script with a Hollywood sponsor.

Banner LINES

"BE the best of whatever you are," an ancient philosopher once said, and obviously the thief who walked off with the bull fiddle in CBS Playhouse No. 3 Monday night deserves a very high rating in his profession. Anyone who can lug away a bull fiddle without being observed is a very excellent thief indeed.

▼

With jitterbugs multiplying as rapidly as amoebae, and swing bands holding down a majority of the assignments on the choice commercial hours, it is difficult to understand why the "Saturday Night Swing Session" remains unsold. The "Swing Session," in our estimation, is the best musical show of its kind on the air.

The program has a built-up audience earned through almost two years of broadcasting at the one hour each Saturday, has evoked favorable press and audience comment, has superlative production, presents the top swing performers as guests, and is a powerful mail puller, its fan mail now being in excess of 25,000 pieces, yet despite all these virtues and a price tag which is not prohibitive, it still hasn't been sold. "Swing Session" deserves a better fate.

▼

In the light of what followed Father Coughlin's broadcast of two Sundays ago, and in view of WLW's refusal to broadcast "People's Rally" last week because the program sought a vote on whether or not the United States should declare an embargo on German goods, the column would like to make a suggestion that might solve a difficult problem.

Our suggestion is this: Whenever a broadcast which threatens to bring about controversy is scheduled, be it sponsored or unsponsored, why cannot the stations or networks immediately insert speakers who shall attempt to refute what the previous speaker has declared. The rebuttals can be presented under the standing program title of "The Other Side of the Story."

▼

A CBS policy is to fill vacancies in its New York announcing ranks by advancing announcers who have served on its affiliated stations. A commendable policy.

Thus when Rus Russell recently tried to get a CBS berth he failed because he is with WGN, Chicago, a Mutual station. But when auditions for announcers for the Bob Benchley Old Gold cigarette show were held, Jim Fleming, competing against a crack field, was the lad selected. But Fleming didn't come from a CBS affiliated station. He's from WGN, the Mutual station in Chicago. The "how come" explanation is comparatively simple, however. Fleming handled baseball broadcasts for Old Gold over WGN, and the sponsor liked his work. And of course when a sponsor wants something, he generally gets his way, even when it is against policy.

▼

An event that should be noted: The "Rise of the Goldbergs" strip celebrates its 10th year as a network feature next week.

—JACK BANNER

Set Anti-Ascap Bills in Iowa And Colorado

(*Continued from page 1*)

charge collection has been permitted to stand and is responsible for most of the antagonism which exhibitors feel toward the music licensing society. He attributes exhibitor support of anti-Ascap legislation to this impression, whereas, he asserts, Ascap has nothing to do with the score charge and collects only its per seat levy from theatres for music performance rights.

Advised that the separate score charge is being eliminated under the pending industry trade practice agreement, Mills said that "all exhibitors are aware that the charge will be added to film rentals" and that Ascap, therefore, believes it to be essential that exhibitors understand that no part of the score charge goes to Ascap.

Tri-National and Normandie Bow In

John E. Otterson's Tri-National Films made its debut in this country last night with the opening of its French-made "Sacrifice D'Honneur," starring Annabella, at the new Normandie Theatre, Park and 53rd.

French consular attaches were guests, along with other French notables, at the first performance of New York's newest "art" theatre. John Harris, Sam Harris, John Otterson, Joseph McGoldrick, John Eberson, Leo Abrams, Bob Wolf and Nat Byer were on hand among the 580 top hat-and-ermine celebrities.

The new Normandie is patterned on the lines of the *S. S. Normandie,* a stone front giving a steamship appearance, including the port-holes. The main lobby and auditorium were built along lines suggested by the Music Hall.

Harry Brandt and David Weinstock built the theatre, which will be operated on a continuous run policy at $1.25 top price evenings, and a 75-cent top afternoons.

First runs of foreign pictures will be the policy in the main, giving particular attention to Tri-National's importations from France and England.

Imperial Offers New Common Stock Issue

(*Continued from page 1*)

total $446,250, after deducting expenses of registration and sale, the prospectus states. William M. Pizor is president of Imperial. Lewen Pizor of Philadelphia is vice-president and treasurer.

The company has an authorized capitalization of 1,000,000 shares of $1 par value, of which 39,714 shares are outstanding.

Graham to Dufaycolor

London, Nov. 30.—John C. Graham, who resigned recently as managing director for Paramount in England, has joined Dufaycolor.

Skouras Will Try Vaude at Academy

George Skouras is inaugurating an experimental series of stage shows at the Academy of Music soon, to run Tuesdays and Wednesdays weekly. It is said the show will comprise five acts and a band, and the theatre company is hopeful that the series will prove successful so as to become a permanent part of the theatre's policy.

Naturally, the effort is directed towards improving the business of the theatre on these two particularly low days of the week. Whether the policy will be extended to other houses on the Skouras circuit has not been made known.

Government Film For Pan-American Relations Urged

Washington, Nov. 30.—Production and distribution of Government-made films throughout South America to promote friendship between the sister republics was recommended Tuesday by the Interdepartmental Committee in a report to the President. Expenditure of $176,500 was recommended for the production of two films, distribution of six existing films, and projection equipment for embassies.

The report proposes two films, one to be made here and distributed in South America, and another to be made there and distributed here, each at a cost of $45,000. Six existing films would be dubbed in Portuguese and Spanish at a total cost of $30,000. The U. S. Film Service would supervise the undertaking and the films would deal with "various activities of the Government, including those in the technical and scientific fields." The Service would likewise act as "a coordinating agency and clearing house for motion picture matters of interest to the 21 American republics."

Although no projects have been developed for broadcasting, the F.C.C. is now considering engineering standards and the elimination of interference and is expected to report to the President in January.

Bernhard Returning From Zone Meetings

Joseph Bernhard, head of Warner theatres, and Harry Goldberg, advertising director, return today after holding zone meetings in Chicago Tuesday and in Pittsburgh yesterday. The Chicago meeting was supervised by James Coston, zone manager, with Harry Kalmine presiding in Pittsburgh.. All district, theatre and publicity managers attended.

New Mexico City House

Mexico City, Nov. 30.—This city is to have another de luxe neighborhood house when the Cine Coloso, a 1,500-seat theatre owned bv the Samuel and Oscar Granat circuit opens shortly.

G. N. May Reduce Slate to 36 Films

Grand National's announced schedule of 44 features for this season may be reduced to 36 as a result of the recent agreement for a takeover of the assets of Fine Arts Pictures by Earle W. Hammons and associates. A decision on the reduced production schedule will be made this week.

Transfer of Fine Arts' assets has been delayed due to the insistence of Franklyn Warner, head of that company, on formation of the new Hammons' company prior to the turnover. Organization of the new Hammons' company had not been completed at the time the purchase agreement was reached with Warner and the latter was called back to the coast immediately thereafter. On his return here Friday, it is expected, the transfer of assets will be completed.

Adele Gutman Nathan has been named G. N. eastern story editor.

Hollywood, Nov. 30.—After meeting yesterday with directors of Fine Arts Pictures, Franklyn Warner, president, refused comment on the future of the company, which has parted from Grand National. M. A. Penny, Leland F. Davis and George Bigelow spent the entire day conferring with Warner, who said he expects to leave today or tomorrow for New York.

Chicago Meeting to Set Metro Releases

M-G-M's release schedule for the next three months will be planned at the company's mid-season sales meeting in Chicago, Saturday and Sunday. William F. Rodgers, general sales manager, will preside and will lead discussions on sales progress and the windup of the season's selling.

Attending from the home office, in addition to Rodgers, will be Division Managers Tom Connors and Ed Saunders, Alan F. Cummings, exchange operations manager, and Edward W. Aaron, assistant to Rodgers.

District managers attending will include Jack Flynn, Detroit; Ted O'Shea, New York; Maurice N. Wolf, Boston; Charles E. Kessnich, Atlanta; Harris P. Wolfberg, Kansas City; George A. Hickey, Los Angeles, and John J. Maloney, Pittsburgh.

To Honor Wall Today

London, Nov. 30.—Exhibitors, labor representatives, musicians and all members of the London conciliation board tomorrow will honor A. Wall, recently resigned from the London Trades Council, at a luncheon. Wall was the first labor leader to champion film workers and was largely responsible for the London wage-hour agreement and conciliation machinery.

Loew's, Ltd. Pays $3.50

Toronto, Nov. 30.—Loew's Theatres, Ltd., here has declared a dividend of $3.50 per share on the seven per cent preference shares, payable Dec. 15 to holders of record Dec. 3. This makes a total of $10.50 per share for 1938. Now in arrears is the equivalent of $38.50 per share.

Loew Stockholders Suit Begins With Denial by Defense

Trial of the suit brought by nine Loew stockholders against the company and its officers and directors got under way before Justice Louis A. Valente in the N. Y. Supreme Court yesterday. Charges of "unconscionable conduct" on the part of Loew officers made by Emil K. Ellis, principal attorney for the minority group, in his opening to the court were met by Joseph M. Proskauer, attorney for the defendants, with the reply that "there is not a scintilla of evidence to support the charges."

Both counsel will complete their openings today at 2 P. M. after which an adjournment will be taken until Monday. It is barely possible that some of the testimony will start today. Principal dispute is the profit sharing contract of 11 Loew employes which goes into effect on Jan. 1. Also attacked are contracts going back to 1926 under which Nicholas M. Schenck, Louis B. Mayer, the late Irving Thalberg, J. Robert Rubin and David Bernstein received profit-participation contracts and stock options.

Proskauer stated that the contracts were made to further the interests of the company and pointed to "steadily increasing profits, while its competitors were going through bankruptcy." He charged that "this attempt to regulate the business by court order is an attempt by the stockholders to strike at the heart of the company." Decisions with respect to the business of the company, he declared, are properly within the discretion of the board of directors, and he asked the court not to substitute its judgment for that of the board.

M-G-M Plans London Roadshow on 'Waltz'

London, Nov. 30.—M-G-M has rented his Majesty's Theatre, a legitimate house in Haymarket, to run a season on "The Great Waltz," opening Dec. 13. The film will run on a two-a-day basis.

"The Good Earth" was the last Metro film roadshown in London, over a year ago.

Sound City's Year Profit Is $15,650

London, Nov. 30.—Sound City studio reports profit for the year ended May 31, 1938 of $15,650, compared to profit for the previous year of $178,645. Directors voted to open a pleasure park and zoological gardens.

Newsreel Speed

Sydney, Nov. 8.—Fox Movietonews here set some kind of a record on the Melbourne Cup race. The reel, complete with fashion clips, hit Sydney screens four hours after the race ended 582 miles away. Harry Guinness, editor, installed a processing plant in a plane. and when the plane reached Sydney, the reel was ready for release.

FILE COPY

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 44. NO. 108 NEW YORK, FRIDAY, DECEMBER 2, 1938 TEN CENTS

Tenn. Halted In Enforcing Of Ascap Law

State Agrees, Awaiting High Court Ruling

KNOXVILLE, Dec. 1.—Temporary order restraining Tennessee state officers from enforcing an anti-Ascap law enacted in May, 1937, was granted to the music licensing society by a three-judge Federal statutory court here today.

Louis D. Frohlich and Herman Finkelstein, New York attorneys for Ascap, argued that the statute is discriminatory, unconstitutional and in violation of the Federal copyright laws. Edwin F. Hunt, Tennessee Assistant Attornev General, did not oppose the society's application, indicating to the court that the state was

(*Continued on page* 5)

Loew's Ready for Stockholder Fight

Defendants in the minority stockholders' suit against Loew's, Inc. and its officers and directors asked N. Y. Supreme Court Justice Louis A. Valente to dismiss the action at the conclusion of the trial. Taking of testimony starts Monday. In the second day of the trial, Joseph M. Proskauer, attorney for the defendants, finished his opening address to the court. The plaintiffs are expected to ask permission to amend their complaint when hearings are resumed.

RKO Hearing May Be Delayed Today

Creditors were unusually reticent about the possibility of confirmation of RKO's reorganization plan, today. Comment has been refused, which makes it appear that the hearing may likely be postponed. However, it is felt that the postponement will not be for long and that if it is up to Federal Judge William O. Bondy, RKO's 77b ringlet will be lifted by the first of the year.

There may be certain technical details which compel such a delay. However, whatever these may be has not been revealed.

All Firms But Metro-20th in Texas Benefit

By HARRY McCORMICK

DALLAS, Dec. 1.—All distributors except 20th Century-Fox and M-G-M have consented to donate film for the 137 Interstate Circuit and Texas Consolidated houses which will give one day's gross receipts to the Joint Distribution Committee for aiding refugees of all creeds.

Final arrangements for the benefits were completed here today by R. J. O'Donnell and Karl Hoblitzelle. About 30 cities and towns in which the 137 theatres are situated will participate. Elliott Roosevelt, son of the President, and head of a Texas radio network,

(*Continued on page* 5)

49 Completed Pictures in Vaults of Eight Companies

HOLLYWOOD, Dec. 1.—Until this week, in the vaults of eight companies, there were 49 pictures which although having been completed, still await a scheduled release date. Paramount led with 13; Warner Bros., 11; 20th Century-Fox, 6; Columbia, 6; RKO, 5; Universal, 5.

Following is a listing of the films and the date on which shooting was finished:

Columbia — "Homicide Bureau," Aug. 19; "North of Texas," Sept. 9; "The Thundering West," Oct. 21; "North of Shanghai," Oct. 28; "Wreckage," Sept. 4, and "Frontiers of '49," Sept. 11.

GB Pictures — "Climbing High," Oct. 20.

M-G-M—"Stand Up and Fight," Nov. 11; "Pygmalion," made in England.

Paramount—"Return of the Fox," June 10; "The Sunset Trail," July 22; "Paris Honeymoon," July 29; "Zaza," Sept. 9; "Disbarred," Sept. 15; "St. Louis Blues," Sept. 30; "Riders of the Range," Oct. 7; "King of Chinatown," Oct. 14; "Ambush," Oct. 28; "Arizona

(*Continued on page* 5)

NLRB PROPOSES TO OUST BASIC PACTS

Trade Reforms On Program to Make History

Filmdom's trade practice program, which is soon to be promulgated, will include reforms of a history-making nature in the trade. There will be a system of arbitration established. Also the new trade practice policy outlaws the practice of move-over on a lower scale.

It is understood that the distributors' draft on trade practice was completed yesterday, and this may be disclosed by the weekend. Final approval will come after the M. P. T. O. A. and Allied shall put their stamp upon it.

The new program intends to establish reforms such as to alleviate the oppressive zoning and protection situations wherever existing.

Other reforms, of course, as is already known, are the cancellation clause and the removal of score charges. One other thing highly important is that there will be no forc-

(*Continued on page* 5)

Y. Frank Freeman Sees Films Upturn

HOLLYWOOD, Dec. 1.—"Month of November was only five per cent below the figure for last year, and December gives every indication, in point of quality of product, of topping November's figures," Y. Frank Freeman declared today as he arrived to take up his duties as co-ordinator of Paramount home office and studio operations.

"The taste of film audiences has reached a point bordering on fastidiousness," he asserted, "and only by turning out a high grade product has Hollywood been able to stem the tide of box office depression and bring about an upswing. The first nine months of 1938 were extremely bad from a box office standpoint and the condition was due to inferior pictures. Hollywood snapped out of it, and began to improve the quality of its product and the result was immediately apparent."

Studios and Unions Are Asked to Agree on New Election

HOLLYWOOD, Dec. 1.—Proposal that the 1935 basic agreement be abrogated with respect to four studio locals of the I.A.T.S.E. was made today by N.L.R.B. Director Towne Nylander, after an informal hearing. Charges of "company unionism" against the I.A.T.S.E. were brought by the M. P. Technicians Committee, a factional minority group within the I.A.T.S.E., and Local 724, Studio Utility Employes.

Three additional points were put forth, the entire proposal resulting from private conferences between Nylander, I.A.T.S.E. leaders and others. The three points are:

(a) Consent by all parties to a bargaining agency election.

(b) Studios to comply with a cease and desist order to enforce the agreement.

(c) Studios to post a notice setting forth the various points.

Such an election would be held to determine whether the basic agreement now effective under N.L.R.B. regulations still applies to present membership.

The proposal came as a complete surprise to studio attorneys who came to attend the public conferences. They asked and were granted an adjournment until Feb. 14.

A.S.C. Files Request

HOLLYWOOD, Dec. 1.—American Society of Cinematographers, which now holds collective bargaining agreements for cameramen at all major studios, today filed a request with the N.L.R.B. for certification as the sole bargaining agency for cinematographers and their assistants.

Warners to Make "Spy Confessions"

Even if it may be known generally, it is worth noting again that Warner Bros. apparently are ready to proceed with making "Confessions of a Nazi Spy." Warners, it will be recalled had signed Leon G. Tourou, former U. S. Intelligence Officer. It is understood that Milton Krems, writer and other W.B. officials have been watching the local spy trials for facts and color.

Purely Personal

ALBERT MARGOLIES, advertising and publicity head of G. B., will leave for the Midwest tomorrow for the opening of "The Lady Vanishes" at the Little in Milwaukee. He will return in a week.

•

SI SEADLER, M-G-M advertising manager, and WILLIAM R. FERGUSON, exploitation head, leave today for Chicago to attend the company's district manager meeting, to be held tomorrow and Sunday.

•

ALBERT S. HOWSON, director of censorship for Warners, will address the Trades Committee of the Junior Federation of Brooklyn Charities on Dec. 7 at the Jewish Hospital Auditorium.

•

O. C. DOERING, JR., of counsel to the RKO trustee, is back in New York after attending to legal work in Chicago in connection with the Government contempt action there.

•

JOHN S. HARRINGTON, manager of Monogram's film and accessory department, is on a tour of exchanges, and is due back in three weeks.

•

J. CHEEVER COWDIN, Universal board chairman, plans to leave for the coast by plane tonight and returns to New York early next week.

•

ARTHUR EDDY of the Warner Studio publicity staff has been in New York this week. With MRS. EDDY he leaves for the coast Saturday.

•

JACK OAKIE and his wife, VENITA VARDEN, sail today on the *Queen Mary*. RALPH BENATZKY, composer of "White Horse Inn," also sails.

•

CARLOS MORLA, Monogram's Latin American head, is back from Mexico, Central America, Colombia and Venezuela.

•

LOUIS D. FROHLICH and HERMAN FINKELSTEIN, of counsel for Ascap, return to New York today from Knoxville, Tenn.

•

MARTIN SCHIFF of the Warner foreign department is the father of a boy, MARTIN, JR., born at French Hospital.

•

HOWARD STRICKLING, M-G-M studio publicity director, is ill at Monte Sano Hospital, Los Angeles.

•

JACQUES DALLIN, French composer, has signed with Sam Fox Publishing Co.

•

ABE COHEN, cashier at the Columbia Exchange, is mourning the loss of his sister, LILLIAN.

•

GEORGE W. WEEKS, Monogram sales manager, left yesterday for a two-week tour of exchanges.

•

MARLENE DIETRICH is scheduled to leave for Hollywood tonight.

•

FRANKLYN WARNER is expected in New York from the coast by plane today.

•

FRANK C. WALKER has gone to Warm Springs, Ga., for a few days.

Insiders' Outlook

A NEW class film magazine will soon be put on the market by Conde Nast. This can be taken to indicate the high place Hollywood now holds in the fashion world. Undoubtedly the fashion angle is prominently in the background of Conde Nast's intentions by this new publication.

▼ ▼

In July of this year few people outside of the phonograph record business realized that the excise tax on records had been removed. The tax amounted to five per cent, and may have made the difference between profit and loss for some firms. Probably the man principally responsible for this great benefit to the record business is Milton Diamond, internationally known attorney. Diamond fought the matter through in Washington, when others considered the task hopeless.

▼ ▼

"Three Harbours," by F. van Wyck Mason, (J. B. Lippincott Co., publishers) is an adventure novel of the early years of the American Revolutionary War which has the makings of a distinguished motion picture. Its romantic interest is varied and sustained; its action, of which there is plenty, holds genuine drama.

Action centers primarily in Norfolk, Boston and Bermuda. In the sweep and intensity of the story's movement there is a resemblance to both "Anthony Adverse" and "Gone with the Wind." It may even be said that "Three Harbours" reduces the Revolutionary War to the same popular terms of individual and family experience which mark the treatment of the Civil War in "Gone with the Wind," and which contribute so much to the success and value of the latter as a film property. "Three Harbours" would seem to fit nicely into the pattern of a rich and outstanding action-romance.

▼ ▼

Although specifically, the film industry does not figure in the monopoly study by the Federal Trade Commission, none-the-less, industry lawyers will have certain new, prospective legislation to think about when the F.T.C. recommends to the next Congress that the Clayton Act be amended to prevent interstate corporations from acquiring physical properties of competitors. That should hit at theatre combinations and studios.

Of course, should some tight-witted law maker attempt to define talent as "physical property," there is no telling what can happen.

▼ ▼

A dinner was held at the Astor Hotel last night in honor of the birthdays of two men, one 38 years old, the other 74. The "youngster" was John Barbirolli, conductor of the New York Philharmonic; the oldster was John Wade, doorman for the past 45 years at Carnegie Hall.

Fox Transfers Glass

DENVER, Dec. 1.—Fred Glass, manager of the southern division of Fox theatres Intermountain division, has been transferred to Salt Lake City as regional supervisor. Robert Garland, booker, succeeds him in the Denver job.

Sussman to Buffalo

William Sussman, 20th Century-Fox eastern division manager, will attend the testimonial dinner to Sydney Samson, Buffalo branch manager, to be given by the Variety Club there Monday night. A number of upstate exhibitors will attend.

The Newsreel Parade

Beatification of Mother Cabrini in Rome at which Cardinal Mundelein officiated, and the crash of an airliner in California are important subjects covered in the new issues of the newsreels. Shipping of Christmas trees and skiing season opening are timely items. The reels and their contents follow:

MOVIETONE NEWS, No. 24—Roosevelt confers with Ambassadors. Airliner crashes in California. International live stock show. Christmas trees shipped. Health club selects champions. Japs seek more cities in China. Stalin reviews soldiers. Baseball preview. Lew Lehr.

NEWS OF THE DAY, No. 222—President receives foreign envoys. Myron Taylor leaves for London. Mother Cabrini beatified. Airplane wreck. Mrs. Roosevelt urges early shopping. Champion health students. Boys Town football team. Amateur boxing.

PARAMOUNT NEWS, No. 35—Japanese take Hankow. Banquet for poor children. Cardinal Mundelein at beatification. Nazi spys found guilty. Plane crash kills five. Youths parade in Moscow. Sugar and Rose bowl selections.

RKO PATHE NEWS, No. 39—Five drown as airliner crashes. Morocco Sultan observes holy day. Myron Taylor off to refugee parley. WPA repairs old toys for needy children. Mother Cabrini beatified. Cattle show in Chicago. Germany fortifies borders. Skiing season opened.

UNIVERSAL NEWSREEL, No. 724—Health show in Chicago. Fall of Hankow. California plane crash. Roosevelt confers with Italian and German envoys. Harry Warner receives citation. Beatification of Mother Cabrini. Opening of Santa Claus lane. Gathering of holly in Del. Football games. Bicycle polo in England. Oregon skiing season opens.

Censor Resolution To Come Up Before Commons on Dec. 7

LONDON, Dec. 1.—Resolution declaring that the House of Commons attachs great importance to the maintenance of British democratic tra[illegible]tions in liberty of expression in press and public meetings, with particular reference to the screen, will be brought before Commons on Dec. 7. Geoffrey Le M. Mander, M.P., introduced the resolution, which also deplores any Government action tending to set up political censorship or pressure.

Mander again challenged Prime Minister Chamberlain today in Commons on political censorship, and the latter admitted, as was indicated earlier, that the attention of U. S. Ambassador Joseph P. Kennedy had been drawn to an issue of Paramount Newsreel during the recent crisis. Chamberlain denied, however, that a request was made to Kennedy to have the material removed on political grounds.

U.A. Plans Big Ad Drive on Two Films

United Artists plans national magazine campaigns on two releases, "Trade Winds" and "Topper Takes a Trip." On the former film, the campaign will include the back cover of the Christmas issue of *Look* and page ads in *Esquire* and the *New Yorker.*

On "Topper Takes a Trip," space will be taken in a number of publications, including *Good Housekeeping, Saturday Evening Post, Colliers, Time, Look* and *Life.* In addition, both films will have national newspaper campaigns in cooperation with key city theatres, totaling about $60,000.

Mrs. Mae Cottrell Dies

HOLLYWOOD, Dec. 1.—Mrs. Mae Cottrell, wife of Harry G. Cottrell, head of the Paramount still department, died yesterday of peritonitis following a recent operation. Funeral services will be held privately tomorrow in Glendale.

MOTION PICTURE
DAILY

(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

WHO'S AMERICA'S FAVRIT GIRL FRIEND?

"LITTLE ORPHAN ANNIE"

WHO'S AMERICA'S FAVRIT PITCHER COMPANY?

PARAMOUNT

ON ACCOUNT OF THEY GOT ME IN

A SWELL PITCHER!

Paramount Pictures

TURN PLEASE

YA CAN'T WIPE THESE FACT'S OFF THE SLATE

19,000,000

DAILY NEWSPAPER READERS
LOVE "LITTLE ORPHAN ANNIE"

61,500,000 RADIO LISTENERS
LOVE "LITTLE ORPHAN ANNIE

ANN GILLIS IS A NATURAL
FOR THE ROLE OF AMERICA'S
FAVORITE COMIC STRIP
CHARACTER. ROBERT KENT,
JUNE TRAVIS, J. FARRELL
MACDONALD LEAD A SLICK
PARAMOUNT CAST

SOME SET UP!

49 Films in Vaults Of Eight Companies

(*Continued from page* 1)

Bracelets," Nov. 11; "Two Weeks with Pay," Nov. 28; "Bulldog Drummond's Secret Police," Nov. 25; "Persons in Hiding," Nov. 25.

RKO—"Gunga Din," Oct. 21; "Pacific Liner," Nov. 18; "White Slave" (tentative), Nov. 18; "Arizona Legion," Nov. 25; "Beauty for the Asking," Nov. 25.

20th Century-Fox—"The Girl from Brooklyn," Aug. 26; "Pardon Our Nerve," Oct. 21; "Jesse James," Oct. 28; "The Three Musketeers," Nov. 11; "The Little Princess," Nov. 25; "Tail Spin," Nov. 25.

Universal—"Honor of the West," Nov. 4; "The Last Warning," Nov. 4; "Pirates of the Skies," Nov. 11; "Phantom Stage," Nov. 18; "Gambling Ship," Nov. 18.

Warner-First National—"King of the Underword," June 17; "Blackwell's Island," Aug. 5; "Torchy in Chinatown," Sept. 2; "Wings of the Navy," Sept. 9; "Women in the Wind," Sept. 30; "Crime Is a Racket," Oct. 14; "Off the Record," Oct. 14; "They Made Me a Criminal," Oct. 14; "Secret Service of the Air," Oct. 21; "Adventures of Jane Arden," Nov. 18; "Dark Victory," Nov. 30.

Far Reaching Trade Reforms Are Planned

(*Continued from page* 1)

ing of shorts of any nature, including newsreels and trailers, or even features.

It is a wide sweep. The industry is coming clean.

Move-overs will be permissible only where such move-overs will continue at the same scale of prices as the original run. As already has been frequently indicated, the graded cancellation on the basis of 10, 15 and 20 per cent of the whole program of any company is going to remove much of the strain of block booking.

The companies are going to make every effort, it is understood, to outlaw the "permanent" franchise which, with arbitration and the move-over policy, are bound to develop the right to buy, and create a more favorable situation in that respect. However, when the full policy and the exact definition of these tremendous changes which will possibly reconstruct basic policies and operations of the business will be promulgated is not yet known.

Defense Starts in Indianapolis Suit

INDIANAPOLIS, Dec. 1.—Indianapolis Amusement Co., plaintiff in a $226,000 anti-trust suit here against Paramount-Publix, M-G-M, Universal, U. A., Fox, Educational and Vitagraph, concluded their side of the case today. Defendants, who seek to show that the plaintiff's bankruptcy in 1927 was caused by mismanagement and not losses through block-booking, placed three witnesses on the stand.

M-G-M Signs Schunzel

HOLLYWOOD, Dec. 1.—M-G-M has signed Reinhold Schunzel to a long term directing contract.

"Landscape" Opening

"American Landscape," latest dramatic offering by Elmer Rice, will open tomorrow at the Cort as the third production of the Playwrights' Co. A Connecticut family decides to sell a factory site for use as a Nazi camp, but the ghosts of former American soldiers rise to prevent the sale. The cast of 22 includes Charles Waldron, Rachel Hartzell, Phoebe Foster, Isobel Elsom, Donald Cook and Lillian Foster.

Postpone Chicago Hearing One Week

CHICAGO, Dec. 1.—Federal Judge Woodward today postponed until Dec. 8 the hearing on motions for a bill of particulars, extension of answering time, impounding of documents and quashing of subpoenas in the Government contempt action against Balaban & Katz and major companies.

He also ruled that Barney Balaban, president of Paramount, and other witnesses will not have to appear at the Dec. 8 hearing. Judge Woodward said today he was not prepared to hear the pleas, and his decision setting back the hearing caught both Government and defense attorneys by surprise.

All Except Metro and 20th in Texas Charity

(*Continued from page* 1)

will devote his 15-minute talk given each week over the 27 stations of his chain to the fund-raising. At the suggestion of public-spirited citizens collections will be taken up at each performance in every theatre, thus further augmenting the refugee fund which will be realized.

Advance ticket sales by civic and luncheon clubs throughout the area began today. Minute-men speakers and newspapers are aiding in bringing public attention to focus on the benefit shows, which are scheduled for Dec. 7 in all cities in which the circuits are represented with the exception of Fort Worth and Albuquerque. Shows will be held in those cities the following day.

Plans for the "Refugee Theatre of the Air" series, recently announced by WHN, have been completed, with the show set to start tonight at 10 P.M. Hendrik Van Loon has been secured as the conductor of the series. The programs will be presented in cooperation with the American Committee of German Christian Refugees, the Catholic Committee for German Refugees and the National Coordinating Committee for Jews and Christians.

The talent for the first program includes a violinist who fled Germany, a tenor from Vienna, and a baritone from Breslau.

Appeal "Wreckage" Ban

ALBANY, Dec. 1.—Cinema Service Corp. has appealed to the N. Y. Supreme Court to obtain a license to show "Human Wreckage," which was refused by the censor board and the Board of Regents. Arguments will be heard by Justice Francis A. Bergan on Dec. 9.

Mandel to Succeed Dowd in RKO Post

Harry Mandel will succeed John Dowd as advertising and publicity manager of RKO Theatres. Mandel has been with the firm several years and has been in charge of advertising and publicity for that division of theatres which is operated by Charles McDonald. The appointment was made by John O'Connor, vice-president and general manager of RKO Theatres. It is in line with the present realignment of the RKO metropolitan theatre operations.

Dowd transfers to the World's Fair. He had been with RKO for quite some years. That a change would be made was no surprise to the trade, since the imminence of the move had become fairly well known around.

Tenn. Anti-Ascap Law Halted by State Court

(*Continued from page* 1)

willing to forego enforcement of the anti-Ascap measure pending rulings by the U. S. Supreme Court on the constitutionality of similar laws enacted by Florida and Washington. The rulings are expected from the high court during the week of Dec. 7. If the Supreme Court decisions are unfavorable to Ascap the litigations over the Tennessee statute will be reopened, Hunt indicated.

The restraining order, which permits Ascap to resume business in this state after an interruption of about 18 months, was signed by Circuit Judge Xen Hicks and District Judges George Taylor and John Gore.

UA Sets Deals with Schine, Hoblitzelle

United Artists has closed deals on the 1938-'39 product with the Schine circuit, covering 75 houses in New York, Ohio, Kentucky and Maryland, and with Hoblitzelle & O'Donnell of the Interstate and Consolidated circuits of Texas, involving more than 100 theatres.

George Lynch and Meyer and Louis Schine represented that circuit and Charles Stern and Bert Stearn acted for U. A. on one deal, and R. J. O'Donnell acted for the Texas circuit, and Harry L. Gold and Hugh Owen for U. A. on the other.

The company also has closed with Balaban & Katz and the Great States circuit, as per custom, involving 75 key city houses in the Chicago territory. Walter Immerman acted for the circuit and L. J. Schlaifer for U. A.

Para. Plans Six for English Production

LONDON, Dec. 1.—Six features have been set by Paramount for production here, John W. Hicks, vice-president and foreign head, said today. The first three are "Hatter's Castle," "French Without Tears" and "The Admirable Crichton." Details of the other three, together with decisions on casts and directors will be decided at home office conferences after the arrival of Hicks and David Rose in New York. They sail Saturday on the *Normandie*.

Stein Heads Col. Distribution in France, Algeria

A. Stein has been placed in charge of Columbia's new distributing organization in France and Algeria, which completes the company's worldwide sales setup. Jack Cohn, vice-president of Columbia, revealed this upon arrival yesterday from London.

An extension for next season of the production contract with the Denham studios in London, which is making Columbia's quota films, will be discussed in New York after Alexander Korda arrives here Dec. 8. Currently Denham is making three multiple quota films for Columbia, which Irving Asher is supervising.

Columbia has signed for distribution of four French pictures in addition to the seven which have already been acquired for American release, Cohn revealed.

Joseph A. McConville, foreign manager, and Jack Segal, assistant, are now in Paris setting up the company's exchange system for France and Algeria. Branches will be opened in Lille, Marseilles, Lyons, Bordeaux and Strasbourg, with the central office in Paris.

McConville is expected back before Christmas. Segal will remain longer in Paris to complete the new exchange setup.

Skirball, Alperson Off to Studio Today

Jack Skirball, Grand National production head, and Edward Alperson, general sales manager, leave tonight for the coast to speed up production.

The company is slightly behind release schedule, although five independent pictures are now in the cutting room. It is planned to put "My Son" and a western in production in about two weeks.

Monopoly Quiz May Not Discuss Films

Washington, Dec. 1.—Film matters are not expected to be discussed by the Temporary National Economic Committee for some time, if at all, it was indicated at the opening of hearings today.

However, it is possible that Assistant Attorney General Thurman Arnold, due to testify next week, may touch on films to bring out his point that the anti-trust laws should be revised to apply to industries individually rather than generally.

Dr. Isador Lubin, Commissioner of Labor Statistics, said that if all workers could be given a $2 a day increase in income, the film industry "could look forward to a tripling in admissions."

Such an increase would mean an increase in film admissions of approximately $45,000,000 per year. The $2 daily increase for all wage earners would give $234,000,000 to the recreation industries, Lubin said.

Three Outstanding
NEW FILMS

EASTMAN announces three important new negative films for the professional motion picture field.... *Plus-X:* fast, fine-grained. Unsurpassed for general studio work.... *Super-XX:* super-speed, surprisingly small grain. For difficult newsreel shots, or for use wherever exposure is a problem.... *Background-X:* ultra-fine grain, ample speed. For backgrounds. Also excellent for all-round exterior work.... These films not only make dramatic advances along their particular lines, but offer the high reliability and photographic quality typical of Eastman sensitized materials. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, Fort Lee, Chicago, Hollywood.)

EASTMAN *Plus-X . . .*
Super-XX . . . Background-X

DO NOT REMOVE

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE
DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 44. NO. 109 NEW YORK, MONDAY, DECEMBER 5, 1938 TEN CENTS

Trade Pact on Way to Capital For Govt. O. O.

Completed Draft Sent to FDR, Justice Dept.

Divorcement is just about the only problem left untouched in the history making reforms of the industry's new trade practice program which will soon be promulgated after final exhibitor approval shall have been obtained to the finished draft now submitted by the distributors. This draft has been forwarded to President Franklin D. Roosevelt and the Department of Justice, for their information.

Perhaps after a practical diagnosis of the self-regulation program of the industry, the Department of Justice may drop its cynical attitude about the possibility of a fair deal in the film industry.

The Government has been persistently described as inflexible regarding certain industry phases. Block booking is one of these.

Whether the plan now determined for the business shall bring appeasement to the Government remains to be seen.

The right-to-buy is treated limitedly and from a practical standpoint. Strain of block booking is eased, score charges are out, forcing of shorts or features is taboo, and that includes newsreels and trailers. Zoning and protection is looked after by provisions which tend to discourage

(*Continued on page* 3)

Majors Undisturbed By Nazis-Jap Tieup

Recently concluded agreement which provides, among other things, for production and exchange of propaganda pictures between Germany and Japan, arouses no concern whatever among American distributors. The all-too-obvious reason is that neither nation has ever produced films which attained even a semblance of popularity with the people of the other. There is no reason to suppose, distributors say, that the new agreement will alter either the production capabilities of the Nazis or the film tastes of the Japanese people. They foresee no diminution of the popularity of Hollywood product with Japan's film patrons.

James Roosevelt Assumes Film Post With Goldwyn

Eldest Son of President Starts Work Today As V. P.

Although, recently, Samuel Goldwyn's Hollywood office had "confidentially" indicated that James Roosevelt was not to join that organization, the eldest son of President Franklin D. Roosevelt, and who also had served as FDR's secretary, began work today as vice-president of the Goldwyn organization.

Coming on top of the Government's efforts to stimulate trade with the South American nations, and the likelihood of films playing a tremendous role in this respect, the fact that a member of the President's household and official family has taken up a post in the business, is highly important.

The President, himself, is known to be friendly to the film business, and his deep interest in the trade has been shown on various occasions.

Perhaps the recent denial by Goldwyn's Hollywood office was a matter of form, in order not to embarrass the White House, until the matter was properly attented to. Whether or not White House approval was sought prior to the announcement, in Hollywood, Sunday, isn't known. Will Hays has visited the President on several occasions in the past several weeks, but there has been no intimation that the Goldwyn-Roosevelt matter was discussed then.

Naturally, both the film business and Washington is agog about it. Politicians and showmen will conjecture about it to read some unknown angle into the matter. But Samuel Goldwyn, curiously enough, was brief and direct

(*Continued on page* 3)

Sixth Ave. Preens Itself With Dooming of the "L"

By SAM SHAIN

New York City's tired, old "L," the 6th Avenue Line, stopped running at 11 P. M. last night. In three months this five-mile elevated railway which ran parallel to Broadway but only touched the corner of the Main Stem where it traversed overhead on W. 53rd St., will be in the scrap heap. That's by city edict. And 6th Ave. is beginning to primp up. Broadway now has a potential rival.

Everybody has believed that it was anticipation of the early demolition of the 6th Avenue "L" which partly prompted the erection of Rockefeller Center, and its Radio City Music Hall, the once contemplated R. C. Opera House and now the Center Theatre.

And so it has come to pass, and it

(*Continued on page* 6)

Estimate "U" Last Quarter's Earnings Around $100.000

Wall Street estimates a net profit of around $100,000 for Universal's fourth quarter, ended Oct. 31. Period is Universal's first in more than eight years to show a profit and comes on the first anniversary of the present management headed by Nate J. Blumberg.

Company's operations have been improving steadily throughout the year with the result that world gross for the fiscal year ended Nov. 1 is estimated at around $20,300,000 or more than $2,000,000 better than the gross operating revenue of $18,150,876 for

(*Continued on page* 3)

M-G-M Sells Second Picture to Music Hall

Opening of "Dramatic School" at the Music Hall on Thursday will mark the second occasion an M-G-M film has been booked at the house. The first one, "Young Dr. Kildare," opened there on Oct. 27. "Angels With Dirty Faces" led Broadway business last week with a smash $49,000 estimated. Ted Lewis and his band were on the stage. "The Cowboy and the Lady" now in its second

(*Continued on page* 3)

Radio—Page 7

Legal Technicalities Cause Adjournment Of RKO's 77b Plan

Decision on the RKO plan of reorganization received a temporary setback on Friday when technical objections to the consents filed by majority stockholders caused an adjournment until Dec. 16. Federal Judge William Bondy granted the postponment request of Hamilton C. Rickaby, attorney for Atlas Corp., proponents of the plan.

Rickaby declared that he could clear up the technicality before the expiration of the two weeks, so as not to delay the reorganization further, and that if Judge Bondy approves the plan, RKO would be out of 77b by the first of the year. The objection was one of three points presented by John S. Stover, attorney for Ernest W. Stirn, holder of 1,234 shares of unconverted old RKO Class "A" stock. Stover maintained that he was not attempting to delay the court's decision and

(*Continued on page* 3)

Hays Urges Special So. American Films

HOLLYWOOD, Dec. 4.—Production of films especially suitable to the South American market is reported to have been urged by Will Hays, M. P. P. D. A. president, in his semi-annual report to the Motion Picture Producers Association prior to leaving for New York by train Friday night.

(*Continued on page* 3)

Allred Urges Aid For Texas Benefit

Austin, Tex., Dec. 4.—Gov. James V. Allred has asked Texans to cooperate with the plan to raise funds for German refugees by the Interstate Circuit on Dec. 7.

The Governor said, "This is certainly a most worthy cause. The Interstate Circuit raised more money for the Rogers Memorial than in any other state. I feel confident Texans will give their utmost in prayers and money in this humanitarian move."

Purely Personal

DAVE PALFREYMAN of the M.P.P.D.A. left over the weekend for Charlotte where he will attend the North and South Carolina T. O. convention. ED KUYKENDALL, M.P.T.O.A. president, who is attending the same meeting, will come to New York from there tomorrow.

•

MIKE DOLID, assistant to NORMAN MORAY, Vitaphone sales manager, left yesterday for a week in Indianapolis, Cincinnati, Cleveland and Buffalo.

•

PETE ROSIAN, Grand National exchange manager, left over the weekend on a deal with the Walsh Circuit upstate.

•

ADOLPH ZUKOR and MRS. ZUKOR arrive from the coast today and will be here a week or 10 days before sailing for London.

•

W. A. SCULLY, Universal general sales manager, left over the weekend to visit the company's southern exchanges.

•

PERLA GRECO, Argentine film star, is at the Waldorf-Astoria. She leaves soon for the coast.

•

BEN KALMENSON, western and southern sales manager for Warners, returns today from a trip to the coast.

•

WILLIAM A. SEITER and his wife, the former MARION NIXON, left for the coast over the weekend.

•

ERNEST EMERLING of Loew's advertising and publicity staff returns todav from a midwest tour.

•

FRED QUIMBY, in charge of M-G-M's short subjects, arrives today from the coast for home office conferences.

•

MRS. MERVYN LEROY, wife of the M-G-M producer, has arrived in town from the coast.

•

TAY GARNETT, director, arrived in New York from the coast on Saturday.

•

WILL H. HAYS arrives in New York today from Hollywood.

Industry Aids Art Fund for Refugees

Full cooperation and endorsement from producers, directors and stars of all religious denominations has been assured for the fund raising drive of the M. P. Art Fund for German Refugees, Vincent Trotta, acting chairman, told film art directors, advertising and publicity representatives at a meeting Friday.

Emanuel Silverstone, London Films representative, and Dick Murray of Paramount were appointed treasurers for the nationwide drawing for paintings. Closing date for the sale of tickets was set for Feb. 1 and the drawing will take place on Lincoln's Birthday. The next meeting will be held Wednesday at the Hotel Piccadilly.

Insiders' Outlook

A YEAR ago Gabriel Pascal was broke. He was as good a producer then as he is now, but he was starving. He couldn't obtain a job. Today, as the producer of George Bernard Shaw's "Pygmalion" he is just about the most sought for producer in the world of films.

George Bernard Shaw undoubtedly could have disposed of the film rights to his play for a round, good sum. It is understood that he had some very fancy offers, perhaps even fantastic ones. The Irish bard never had much enthusiasm for those in films. He wouldn't trust his properties to them. And that he did turn it over to a penniless producer, who could not even guarantee him a royalty return, let alone a specific and large payment for the rights to the play, explains something about Shaw.

▼

And so it happened one day Pascal, in desperation, called upon a literary agent whom he knew in London, persuaded him to make an appointment with Shaw, and told the agent that he wanted to see Shaw in order to obtain "Pygmalion" for film production. Shaw's agent was a bit nonplussed, to say the least, but he was a friend of Pascal, and Pascal needed assistance. Thus an appointment was arranged but, and here is the interesting angle, Pascal said to the agent:

"Before we go, I'd like to have lunch, but I'm broke. Will you lend me a pound note?" This the agent did.

▼

When they met Shaw at the latter's cottage in the country, Shaw said,

"What can I do for you?" Pascal said he'd like to make "Pygmalion" in pictures. Shaw said:

"Oh, you would, would you! How much money have you got?"

Pascal turned his pocket out and took out the change from the pound note and showed it to Shaw, saying:

"That's all the money I've got in the world."

Shaw said: "The play is yours," and a deal was made without any advance but distinctly on a royalty basis. "Pygmalion" is an English-made picture, and is now being distributed by Metro-Goldwyn-Mayer.

▼ ▼

Those Hollywood reports that the William Morris office was tieing in on talent with Paramount and the DuMont Laboratories, on television, must have proved surprisingly interesting to Bill Morris and Abe Lastfogel, who ought to know what their firm is doing on anything. There just didn't happen to be anything to the reports. Of course, the circuitous link to the report may have been welded from the fact that the William Morris office acted as agent in the original Paramount-DuMont transaction whereby Paramount purchased an interest in the television firm.

▼ ▼

An unusual feature of the *N. Y. Post,* on Friday, was the disclosure of Adolph Hitler's telephone number — Berlin 116191. It was taken from the *British Who's Who.* The paper gave it top display, using it in a dog-ear box above the masthead on the front page, where it couldn't possibly go unnoticed. Consequently, the New York Telephone Co. did a landoffice transatlantic business. Not only did the *Post* telephone the moustached German, but several other newspapers took the opportunity of doing so.

The overseas operator, however, after a 10-minute pause told the *Post* reporter:

"Herr Hitler refuses to take the call."

No doubt, now, the number has been changed.

"The phone rate from New York to Berlin is $24 for three minutes," the *Post* stated. "Profanity is prohibited."

▼ ▼

RCA's networks, the Red and the Blue of NBC, are so set up as to be free from interference from foreign station broadcasting, but because of the "unstable" allocations in Cuba and Mexico, these networks experience some difficulty from these countries. Also, transmissions are less satisfactory now than in 1935 because of atmospheric conditions.

This is among interesting testimony given at a hearing of the monopoly committee of the F.C.C., in Washington, last week, by W. C. Lent, NBC engineer.

Lent also testified that to obtain single program service in day-primary-areas and to eliminate duplication in network programs it would require the abandonment of 42 of the 154 NBC stations.

▼ ▼

Presumably, were an American affiliate of Scophony, Ltd., to be formed, such a unit would enter upon television manufacturing, and perhaps set up an experimental transmitter somewhere in the vicinity of New York, maybe even in the World's Fair, if the financing should ever be raised. Solomon Sagall, head of Scophony, is still here, trying to arrange for the creation of such an American affiliate of his British firm. It may depend upon financing.

French Sea Strike Ties Up Normandie

Urgent business awaiting several arrivals from abroad may be delayed by the late departure from Le Havre of the *Normandie* as a result of a strike tieup. The liner was scheduled to sail Saturday morning and to dock here Thursday.

The French Line, yesterday, was unable to give information on [illegible] much of a delay would be occasioned. It appeared very uncertain that the ship would sail from France since the Government had requisitioned the vessel. If held up too long, France faces a loss of prestige which such serious interruption of the ace liner's schedule would entail.

Among film people listed to sail on the *Normandie* are Alexander Korda, head of London Films, and Irving Asher, associate producer at Denham studios; John W. Hicks, Paramount foreign chief; David Rose, Paramount production head in London; Max Milder, Warner's managing director in the United Kingdom; Robert Ritchie, a director of M-G-M's studios in London; Countess Von Keller, managing director of World Window, Ltd., producer of shorts for U. A.; Douglas Fairbanks, Jr.; Gary and Mrs. Cooper; George and Mrs. Arliss; James Whale, returning to direct "The Man in the Iron Mask" for Edward Small; Gabriel Pascal, British producer, and Carroll R. Levis.

Douglas Fairbanks, Jr., cabled U. A. that he had switched to the Cunard Line's *Aquitania,* which sailed Saturday from Southampton and is due Friday. Others are believed to have done the same.

Mayer's Deposition At Loew Trial Today

Testimony of Louis B. Mayer, taken on the coast prior to the opening of trial of the Loew's minority stockholders' suit against the company, its officers and directors, will be read into the record when the trial resumes today before Justice Louis A. Valente in N. Y. Supreme Court. Indications are that few, if any, officers of the company will be called as witnesses. Most were examined before trial and their testimony may be entered in that form without amplification.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

Estimate "U" Last Quarter $100,000

(*Continued from page* 1)

the preceding 12 months. Universal's net loss for the fiscal year ended Nov. 1, 1937, was $1,084,999. One month later Blumberg was selected to head the company's new management and the loss was trimmed in each succeeding quarter until, during September, Universal's operations moved into the black for the first time in years. The company's operating profit for October showed a further increase sufficient to put the final quarter in the black.

The improvement noted actually was accomplished during only 10 months of operations under the new management, which took over after Jan. 1 of this year.

Universal's working capital and general financial resources were strengthened further at the outset of the current fiscal year by the closing of a $2,500,000 credit with a banking syndicate, which was negotiated over an extended period by J. Cheever Cowdin, board chairman, and Blumberg. The latter is one of the youngest chief executives in the trade. It was just one year ago that he accepted the Universal presidency proffered him by Cowdin and his associates.

Operating economies in all departments and improved product were among the immediate results achieved by the new management. Tremendously improved domestic sales under W. A. Scully contributed vitally to the $2,000,000 increase in gross revenue. Foreign sales were also up considerably under the direction of Joseph Seidelman. There have been tremendous improvements in studio operations under Cliff Work and Matthew Fox, vice presidents.

Ascap Activities Are Resumed in 3 States

Ascap has resumed music tax collections in three of the five states in which legislation to bar the society from operations was enacted during the past two years. States are Tennessee, Florida and Nebraska, in each of which Federal statutory courts have issued injunctions restraining state officials from enforcing the anti-Ascap laws.

Music society is still prevented from doing business in Washington and Montana, the other two states which have enacted anti-Ascap measures. U. S. Supreme Court may rule this week or next on Ascap's appeal in the Washington case. Decision may determine the legality of all five anti-Ascap laws. Action on the Montana law is suspended until the Federal statutory court which heard Ascap's attack on the constitutionality of the measure nearly 18 months ago hands down its decision.

The five state laws which have been enacted are credited by Ascap to radio broadcasters' efforts. Similar measures have been drafted for introduction in Iowa and Colorado next month which, for the first time, are admitted by Ascap to have originated with exhibitors.

Fadiman Takes "Mioche"

Edwin Fadiman's National Pictures has acquired "Le Mioche," French film, starring Madeleine Robinson.

Pictures, Too

Hamilton, O., Dec. 4.—Attractions for a week at the Paramount, Southio unit, include a stage show on Sunday, giving of an automobile Monday, Sweepstakes Wednesday, Barn Dance Thursday and Encore Night Friday. The house is showing pictures, too, making five changes during the week.

Legal Technicalities Cause Adjournment Of RKO's 77b Plan

(*Continued from page* 1)

agreed to go before the court as soon as motion papers were prepared by Rickaby.

Stover contended that consents filed by majority stockholders are not proper because they failed to present the actual stock certificates to the court. He pointed to an order made in 1932 by Federal Judge Alfred C. Coxe which required stockholders to present such certificates before they could "participate" in the suit. Judge Bondy upheld the contention, but indicated that the word "participation" should have referred only to participation in the proceeds after confirmation. However, to avoid later complications, it was agreed to have the order of Judge Coxe amended to permit consents to be filed without the physical presentation of the certificates.

Upon Stover's insistence that the motion be made in writing rather than orally, it was also agreed that sometime before the next hearing the motion would be heard by Judge Bondy in his chambers. In addition, Judge Bondy is awaiting an affidavit from Stover in which all alleged irregularities on proxies used in the 1931 reorganization are set forth. Stover stated that he was unable to present these to the court on Friday as promised, but that they would be filed today.

Judge Bondy said he has been reading briefs for two solid weeks and that the last one came in as late as Thursday.

Cassidy Is General P.A. Under Mandel

Under the direction of Harry Mandel, who will succeed John Dowd as director of advertising, publicity and exploitation for RKO Theatres, John A. Cassidy will serve as general press representative for Greater New York; Fred Herkowitz continues with Division Manager Louis Goldberg, and Edward Sniderman with R. H. Emde.

Maurice Harris joins Sol Schwartz in the newly created division, and Patrick Grosso has been assigned to C. B. McDonald's houses. Blanche Livingston remains in charge of trailers and newsettes.

New Mono. Chicago Office

CHICAGO, Dec. 4.—Monogram plans to build a new exchange here adjacent to the new 20th Century-Fox branch on Wabash Ave. Work will start in January, with the building to be ready in August.

James Roosevelt Is A V. P. for Goldwyn

(*Continued from page* 1)

in his announcement, giving no clue as to what, if anything was behind the move, other than a pure business arrangement:

"It is with pleasure I announce," states Goldwyn, "that Mr. James Roosevelt has joined my organization as vice-president."

The younger Roosevelt had this to say:

"I am very happy to be associated with Mr. Goldwyn. For a considerable time I have contemplated being identified with an industry in which service to the general public is an outstanding feature.

"I consider myself fortunate now to have the opportunity to join the motion picture industry and to work with Mr. Goldwyn in continuing the record of service which this industry has so long maintained."

Whether the younger Roosevelt signed a contract in connection with the post isn't detailed. The nature of his future duties has not been divulged. It is considered hardly likely that he will serve on the creative or picture making end. Rather, his service are more likely to be devoted to the business end. Apparently he is filling the post made vacant by the departure of David Rose, now with Paramount.

Only other v. p. in the Goldwyn organization is James Mulvey, eastern representative, who is expected to return from the Coast, soon.

Newsreel Theatre Is Open in AP Building

Fourth unit in the Newsreel Theatres, Inc., circuit opened Friday to fairly steady business. The latest house, located in the Associated Press Building of Rockefeller Center, just east of the Music Hall, has 450 seats and is furnished and decorated in the modern style.

Subdued lighting is employed inside during the screening to prevent eyestrain in the one-hour show of newsreels and selected shorts. The seats are set sufficiently far apart to permit comfortable access. The lounge is spacious and furnished with light modern armchairs.

More than 700 guests attended the invitation preview on Thursday. Jim Brightwell, who formerly managed the Embassy and other Newsreel units, is in charge. The house is now included as one of the sightseeing stops in the tour of Radio City.

Hays Urges Special So. American Films

(*Continued from page* 1)

Addressing the closed session of the full membership, Hays is understood to have discussed the status and trend of the European and South American markets. It is believed also that the distributor trade practice agreement and the production of an industry film for the New York and San Francisco's World's Fairs were discussed.

Cliff Work of Universal and J. R. McDonough of RKO were elected to the board of directors.

Trade Program Is Sent to Washington For FDR Perusal

(*Continued from page* 1)

"aggressive" action by circuits and the outlawing of "permanent" franchises. "Move-overs" at reduced scales are prohibited.

Exhibitors are accorded an unrestricted graded cancellation privilege of 20-15-10 per cent. This will benefit the small exhibitor mostly.

An arbitration system assuring fulfillment of the aims in the new trade practice policy is to be established. Such a system will serve as a curb on all "aggressive" action by any faction or group.

On Friday, the distributors' committee issued the following statement by W. F. Rodgers, general sales manager of Metro and chairman of the distributors' committee:

"The Distributors' Committee on trade practices has today forwarded to the interested exhibitor bodies a memorandum of the understandings reached in principle at conferences conducted by their respective committees.

"To cover all subjects considered as national in their scope, it has been necessary to synchronize the thoughts expressed by the different theatre groups and the draft form of memorandum represents only such subjects, it being the belief that another and subsequent method will apply to those topics that are purely local in their application.

"Every subject of general importance involving trade practices has been discussed fully, and we believe the suggested means of solution will create a better understanding between all branches of our industry."

Smith to Century Or Florida Group

There seem to be two possibilities for Andrew W. Smith, Jr., former general sales manager at United Artists during George Schaefer's administration, both of which have to do with the theatre end of the business. In one connection there is some talk of his possibly acquiring an interest in the Isle Theatre Corp. (Shiffman). Another would link him to the Century Circuit (Schwartz) which operates mainly on Long Island.

M-G-M Sells Second Picture to Music Hall

(*Continued from page* 1)

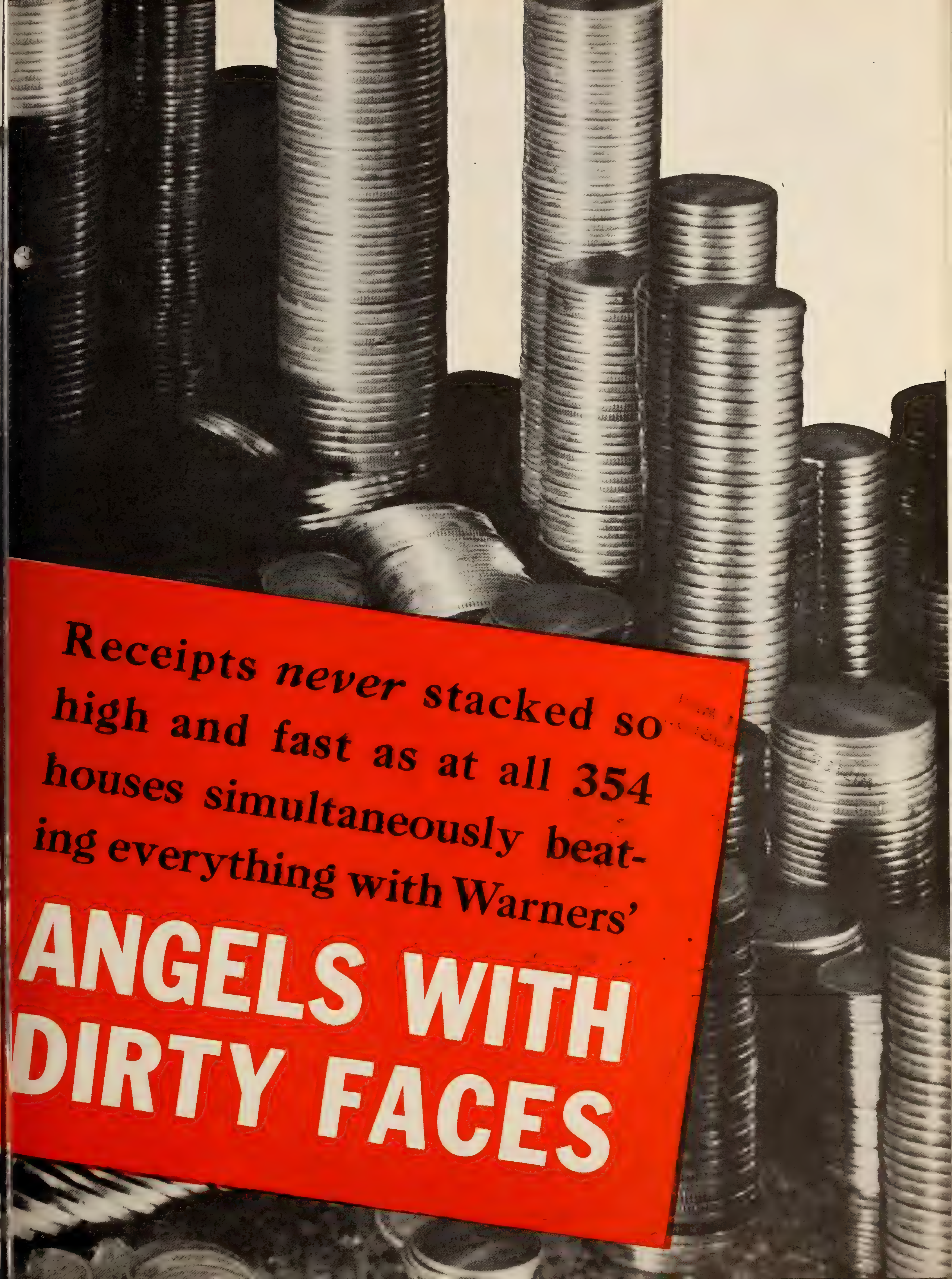
week at the Music Hall, drew an estimated $95,000 for the first week. "The Great Waltz" attracted an estimated $36,000 at the Capitol and is another holdover.

"Arkansas Traveler" finished its second week with an estimated $31,600 at the Paramount, and the second week of "Submarine Patrol" at the Roxy was good for about $26,000.

Faith Plans 2 in Conn.

UNIONVILLE, Conn., Dec. 4.—Joseph Faith of the Mayfair, Terryville, plans a 600-seat house here and another in Collinsville.

"ANGELS WITH DIRTY FACES"
Starring
JAMES CAGNEY
PAT O'BRIEN
THE "DEAD END" KIDS
HUMPHREY BOGART • Ann Sheridan
George Bancroft • Directed by MICHAEL CURTIZ
Screen Play by John Wexley and Warren Duff • From a Story by
Rowland Brown • Music by Max Steiner • A First National Picture



Receipts *never* stacked so high and fast as at all 354 houses simultaneously beating everything with Warners'

ANGELS WITH DIRTY FACES

32 Mexican Films Produced in Year

Mexico City, Dec. 4.—Thirty-two features were produced this year up to Nov. 15 by Mexican companies. It is significant that the theme of 18 of these pictures was "charros and chinas" (Mexican cowboys and cowgirls) and featured folk dancing and ranch music.

Four Foreign Heads Of 20th-Fox Are Due

Four 20th Century-Fox overseas executives are due here this month to attend year-end conferences with Walter J. Hutchinson, foreign chief, and others at the home office.

Their arrival will coincide approximately with that of Hutchinson, who is scheduled to arrive Dec. 22 after a four-month trip abroad. The contingent will include F. L. Harley, British managing director; Ben Miggins, Continental manager; J. C. Bavetta, managing director in Brazil, and A. G. Doyle, Japan manager.

Hutchinson is now en route to France by air after a survey in South Africa. He went to South Africa from South America where he made an inspection tour.

Gracie Fields Next Set

HOLLYWOOD, Dec. 4.—Gracie Fields has been assigned by 20th Century-Fox to star in "Sally of the Shipyards," to be produced in London with Monty Banks directing.

New York Preview

"Just Around the Corner"

(20th Century-Fox)

Here is the gay, dramatically light material which audiences throughout the world have come to expect of a picture in which the inimitable Shirley Temple appears. A little song, a little dance, a good deal of comedy and a serious note of drama which involves a pep talk for the nation in its business slump, all add up to excellent entertainment.

Shirley is supported by Charles Farrell, as her architect father made poor by depression; Joan Davis and Bert Lahr, as servants who provide many laughs; Bill Robinson, for a tap routine with Shirley; Franklin Pangborn, Amanda Duff, in love with Farrell, and Claude Gillingwater, business tycoon, whose name, "Uncle Sam," causes the child to confuse him with the mythical American symbol her father has told her about.

It is Gillingwater who has refused to back Farrell's ambitious building plan, despite the efforts of Miss Duff, his niece, until Shirley goes to work on him. The highlight of the film is the party among the slum children organized by Shirley to "help" poor Uncle Sam, whom she believes is in a bad way, and which causes a newspaper sensation.

There is also much that is amusing in Shirley's successful efforts to make a man of young Bennie Bartlett, grandson of Gillingwater, as she shears his curls, succeeds in getting him a black eye and old clothes, which delights the grandfather and causes his mother to faint. Irving Cummings directed from a screenplay by Ethel Hill, J. P. McEvoy and Darrell Ware and original story by Paul Gerard Smith.

Running time, 71 minutes. "G."*

CHARLES S. AARONSON

"G" denotes general classification.

Finish Cutting "Nation"

Cutting on the Triple A production, "One-Third Of a Nation," has been completed under the supervision of Director Dudley Murphy and Harold Orlob, the producer.

Kirsch Is Honored At Chicago Dinner

CHICAGO, Dec. 4.—More than 450 film men from this city and around the country filled the Casino at the Congress Hotel to capacity here Friday night at the testimonial dinner to Jack Kirsch, president of Allied Theatre Owners of Chicago.

It was the largest and most enthusiastic gathering of its kind held here in years, with a number of film and civic leaders among the speakers.

Heading the list of speakers was Mayor Edward J. Kelly of Chicago. Others were: Alderman Jacob M. Arvey, Charles C. Pettijohn, general counsel of the M.P.P.D.A.; William F. Rodgers, general sales manager of M-G-M; Al Steffes, national Allied leader; Edward Golden, sales chief of Monogram; Judge Michael Igoe, Jack Schlaifer, United Artists sales executive; H. M. Richey and Jack Miller.

An excellent bill of entertainment supplemented the speeches, which uniformly paid tribute to the record of Kirsch as an exhibitor leader in the few months he has occupied his post.

Proceeds of the evening's affair were given to charity.

Final Regional of Columbia in Frisco

Columbia's third and final divisonal sales meeting will be held next Saturday and Sunday at the St. Francis Hotel, San Francisco. Abe Montague, general sales manager, left New York over the weekend to attend the meeting and Rube Jackter, assistant sales manager, leaves today.

Jerome Safron, western division manager, and managers and salesmen from the Denver, Salt Lake City, Seattle, Portland, Los Angeles and San Francisco branches will attend.

MISTER AVERAGE MAN
—AS SEEN THROUGH THE EYES OF SOGLOW
O. SOGLOW

ARTHUR "BUGS" BAER, of King Features, sums him up this way:

"The hat of the average man is size 6⅞ . . . he does not think what he thinks, he thinks what he hopes."

The freshest comedy idea 20th Century-Fox ever grabbed out of its entertainment surprise bag!

"THANKS FOR EVERYTHING"

(Released December 23rd)

Just what you want for Christmas!

'L' Doom Preens 6th Ave. as New Show-Shop Lane

(*Continued from page* 1)

is going to be strange to the customary travelers of 6th Avenue, soon, to find themselves able to peer at the sky, with no trestle to block the view, and in stormy weather, no longer to be able to get that little shelter which some sought under the railroad bridge. They will be able to look at the full facade of Radio City and the Music Hall, unobstructed.

Sixth Avenue is an old street, and the "L" was old, but not quite as old as the street. It is a street typical of New York, where the ramshackle mixed with the swank, the small shop and foreign newspapers stand with Big Business. The "L" began with a flourish of smoke and steam, in 1878, 60 years ago. But New York has outgrown the shabby overhead railway. The modern subway and express highways have forced it down.

Street of Contrasts

Soon 6th Avenue will have its own subway. It has been under construction, now, several years.

Like so many New York thoroughfares, 6th Avenue is a street of amazing contrasts. At the uppermost end, there are fine apartment buildings and hotels, and fine shops. A class neighborhood which entwines with the Central Park south front, and borders on the city's big cafe belt, and night-time rendezvous.

Just a few blocks above, beginning where the Music Hall stands, at W. 50th St., much improved though it is since Radio City was constructed, 6th Avenue houses the employment agencies in old fashioned low dwellings which have for so many years attracted a motley array of men and women job hunters, from camp cooks and lumberjacks to building sweepers. Here they assemble and congregate before the bulletin boards posed on the buildings housing the agencies for jobs, near and distant.

Eating Places Galore

Sixth Avenue has its restaurants, from the lowly counter tile coffee shop to the nobby spot. When it crosses Forty-second Street, the big store area begins, department stores and furniture shops, until into Greenwich Village, after passing Bryant Park back of the Public Library, and the foreign eating places, French, Greek and Italian restaurants, are encountered, additional to the quaint arty and literati neighborhoods. Above this, in the middle twenties, is the wholesale florist district, where show business buys its flowers. Then the Battery and surrounding neighborhood where the East River and the Hudson unite.

Florenz Ziegfeld saw the future of 6th Avenue before the Rockefellers and he built the Ziegfeld at W. 54th Street, a block above where the "L" cuts off.

Loew owns that spot now, operating it as a class grind. Across the street is the swank Warwick Hotel, which was once a Hearst property.

And with the "L" razing, New York and the show world wonders. Will Broadway move over?

18 Plays on B'way

Four closings on Saturday brought Broadway legitimate stage productions down to 18. "You Can't Take It with You" closed after a 103-week run; "The Fabulous Invalid" after eight weeks; "Glorious Morning" after one week, and "Lorelei" after seven performances.

Only two are set to open for this week. Tomorrow, "Here Comes the Clowns" starts at the Booth, and on Thursday, "Spring Meeting" comes to the Morosco.

Foreign Plays in Stock

David Wolper, theatrical attorney, is involved in a deal which will bring stock company presentation of foreign hit shows to Broadway. Present program is to buy a series of European plays for four-week presentations.

Finals of "Waltz" Contest on Dec. 12

Metro's "Great Waltz" festival, a nationwide contest, will have its national finals on Dec. 12, at the Waldorf, for the benefit of the American Red Cross, which will get the entire proceeds. This campaign, under William Ferguson, Metro's exploitation manager, has attracted national attention. Luise Rainer will lead the grand march at the finals. McBride's is handling ticket sales gratis and boxes are scaled from $50 to $200. General admission tickets are scaled at $3 to $9.

N. Y. Allied Holding Buffalo Meet Today

Max Cohen, president, and Harry G. Kosch, counsel, of Allied Theatre Owners of New York, will be principal speakers at a meeting of the organization at the Statler Hotel, Buffalo, today. A discussion of the proposed industry trade practice program will highlight the session, which will last all day.

Moss Will Address Exhibitors Thursday

License Commissioner Paul Moss will address a meeting of exhibitors sponsored by the I.T.O.A. on Thursday at 1 P. M. at the Astor.

The commissioner's office has been active recently in checking up on the enforcement of regulations governing juvenile attendance in theatres.

Form Iowa Theatre Firm

DES MOINES, Dec. 4.—Frank D. Rubel, manager of the local office of the Pioneer Theatre Corp., and Herman Field of Clarinda, Ia., have formed American Theatre Co., here. Rubel is president and secretary and Field, vice-president and treasurer.

Adds 100,000 Seats

LONDON, Dec. 4.—More than 100,000 seats have been added to the total in Middlesex theatres in the past 12 years. The aggregate in 1926 was 72,000, today it is 180,000. A total of 136 theatres have been opened in the county in the same period.

Fair Broadcasts To Start Jan. 1

Regular broadcasts from the World's Fair are to begin New Year's Day, with 17 nations lined up to participate in the series to be known as "Salute of Nations." The three coast-to-coast networks, CBS, NBC and Mutual will broadcast the programs jointly.

The programs will be presented from 1:30 to 2 P. M. each Sunday from Jan. 1 to April 23, inclusive.

President Albert Lebrun of France will be the first speaker in the series. In all, 14 European nations, in addition to Canada, Brazil and Japan, will take part in the series.

The European nations which will participate are France, Ireland, Denmark, the Netherlands, Russia, Roumania, Norway, Belgium, Yugoslavia, Italy, Hungary, Poland, Sweden and Great Britain. The list of speakers to be heard during the series represents the greatest array of rulers of nations ever assembled in radio. The list includes, among others, President Lebrun of France, President Hyde of Eire, King Christian of Denmark, Queen Wilhelmina of the Netherlands, Lord Tweedsmuir of Canada, King Carol of Roumania, King Haakon of Norway, King Leopold of Belgium and Prince Paul, Regent of Yugoslavia.

2 Heatter Programs Renewed on Mutual

Gabriel Heatter's contracts for his two Mutual network shows sponsored by Barbasol and Kreml have been extended for 13 weeks each. Erwin, Wasey & Co. handled the placements.

The Barbasol program is presented Mondays and Thursdays from 9 to 9:15 P.M.; and Kreml, Wednesdays and Fridays, also from 9 to 9:15 P.M.

Another contract placed at Mutual is for participation by a new client in the Uncle Don series. It is by the International Vitamin Corp., and is for 13 weeks. Bisberne Advertising Co. handled the contract.

Lohr Will Address Council of Churches

Lenox R. Lohr, president of NBC, will speak at meeting of the Federal Council of Churches in America Wednesday at the Hotel Statler in Buffalo. Lohr will speak on "Radio and Religion." He will be the second lay person ever to have addressed the conference, the other having been President Roosevelt.

McNinch on Intolerance

Chairman Frank N. McNinch of the Federal Communications Commission will protest attacks on the Protestant, Catholic and Jewish faiths in a special broadcast Dec. 11 from 3 to 3:30 P. M. on the NBC-Red in an address titled "The Organized Attack on Religion." The talk will be before the American Bible Society.

Hold Rites for Peters

Funeral services were held Friday at Campbell's Funeral Church for William Frederick Peters, 67, who died at his home in Englewood, on Thursday. Violinist and composer, he wrote the first original scores for films, including "Way Down East," "Orphans of the Storm," "Under the Red Robe" and others.

Honor Fletcher

Tex Fletcher, Mutual's singing cowboy, who left his program on Saturday to go to Hollywood to make a series of western pictures for Grand National, was tendered a farewell party on the air by his sponsors. Bell-Ans purchased an extra 15-minute period Saturday, from 12:45 to 1 P. M. to felicitate Fletcher, who has been broadcasting for them for several years.

NBC New Rate Card Has Little Change

NBC's new rate card is out and gives the rearrangement of some groups and the addition of 15 new affiliated stations. There is no change in the basic rate structure except that the new Blue network discounts announced the past October are now incorporated in the new card.

The North Central group, consisting of WTMJ, Milwaukee, and WIBA, Madison, has been eliminated. WTMJ is now a basic Red station, while WIBA is listed as a basic supplementary station available with either the basic Red or basic Blue. KTMS, Santa Barbara and KFSD, San Diego, are now listed among the Pacific Blue, while WTAR, Norfolk, is now a basic supplementary station available to Red or Blue.

Calman Is Appointed As Manager of WINS

Carl Calman has been appointed manager of WINS by E. M. Stoer, comptroller of Hearst Radio. Calman succeeds Al Cormier, who recently resigned.

WINS is now in process of sale to Milton Biow. Under Calman the station will continue the same general policies as heretofore, until the sale is consummated.

Melville on WABC

Melville Shoe Co. has signed a year's contract for a six times weekly early morning strip on WABC. The program starts next Monday and will be heard Mondays through Saturdays thereafter from 7:45 to 8 A. M. Show is to be a news program, with copy provided by U. P. Neff-Rogow placed the contract.

Royal Leaves for Peru

John Royal, NBC vice-president, left Saturday by plane for Peru to attend the eighth annual conference of American States at Lima as an unofficial observer. The network's interest in the conference relates to international broadcasting.

Tronolone's Mother Dies

Mrs. Elizabeth Tronolone, 72, mother of Nick and Charles Tronolone of Pathe and Movietone, respectively, died at her home in Hoboken Friday. Burial will be at the Cemetery of the Holy Name, Jersey City, today.

Two Networks Tally Record Nov. Grosses

NBC Total $3,899,915, Mutual $360,929

Network billings continue to climb for the year, with NBC and Mutual reporting record time sale revenues for the November. CBS billings, despite a decline, show signs of returning shortly to the plus side.

November, 1938, proved to be the biggest business month in Mutual's history, with the total showing an increase of 39.7 per cent over the corresponding month the preceding year. The November, 1938, billings are $360,929, which compares to last November's total of $258,357.

Mutual's cumulative total this year is up 29.6 per cent over the 1937 11-month total, the grosses being $2,582,955 for 1938, $1,993,612 for 1937.

NBC's gross hit another all-time high in November, 1938, with a total of $3,899,915. The 11-month cumulative total for NBC was $37,576,603, a rise over the same period last year of 7.3 per cent. The per cent of gain from October, 1938, was 3.3 per cent.

As was announced last week, NBC is releasing separate totals for the Red and Blue networks. The individual breakdowns are as follow: November, 1938, on the Red, $2,949,850; November, 1938, on the Blue, $950,065.

Billings for this November on CBS totaled $2,453,410, a decline of 7.5 per cent compared to the billings for the same month last year, which amounted to $2,654,473. However, Columbia's November billings were better by 2.8 per cent than the total accounted for during October.

The cumulative total for CBS for the 11 months of 1938 amounts to $24,816,337, compared to the total for the same period last year, $25,935,500, a decline of 4.3 per cent.

Fidelio in WHN Deal

Fidelio Brewery has entered into a contract for an announcement campaign on WHN, for an indefinite period.

FILM CENTER BUILDING
Ninth Ave., 44th-45th Sts.

A ★★★★ Building

For the Motion Picture Industry

★ Lowest insurance rates.
★ Projection and inspection rooms.
★ Vaults.
★ Interior shipping platform.

Some buildings have some stars —this building has all stars.

For space apply

270 Madison Avenue New York

CROSS & BROWN COMPANY
REAL ESTATE
Agent

Tel.: CAledonia 5-7000

Superior Pan

DU PONT

The Right Combination

— The excellence of Du Pont Superior Pan springs not from a single quality. Rather it arises from the careful combination of a great many properties, proven to be practical by six years of widely diversified use.

— For superb photography in your next production, rely on Du Pont Superior Pan.

Du Pont Film Manufacturing Corporation
INCORPORATED

9 Rockefeller Plaza
New York. . . . N. Y.
Plant . . Parlin, N. J.

SMITH & ALLER, LTD.
6656 Santa Monica Blvd.
Hollywood . . . California

BETTER THINGS for BETTER LIVING through CHEMISTRY

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 44. NO. 110 NEW YORK, TUESDAY, DECEMBER 6, 1938 TEN CENTS

Jim Roosevelt Gets 5-Year Goldwyn Pact

President's Son to Put In 2 Months Here

By ROSCOE WILLIAMS

HOLLYWOOD, Dec. 5.—James Roosevelt's contract with Samuel Goldwyn is for five years and the President's son will spend the first two months of the period in New York "learning that end of the business."

After that he will return to Hollywood where he will establish permanent residence and do "whatever Mr. Goldwyn tells me to do." The producer isn't sure yet what that will be but he has ideas—"I always have ideas," he said today.

Asked whether he felt his relationship to the Chief Executive of the nation and his experience as White

(*Continued on page* 5)

Marquee Hearing Set for Tomorrow

Public hearing on a local law to permit 9-foot marquees on theatres will be held by Mayor Fiorello H. LaGuardia at City Hall tomorrow at 9:30 A. M. The bill was conceived and introduced by Charles E. Keegan, Bronx councilman. Keegan was formerly secretary to Mayor James V. McKee and once a member of the staff of the old *World*. The bill has already received the approval of the city council and now goes to the Mayor for signature. It was vetoed several months ago because it was not

(*Continued on page* 5)

Wage Law Effect on Producing Discussed

HOLLYWOOD, Dec. 5.—Meeting of attorneys for major producers was held here today for a discussion of the application of the Wages and Hours Act to the production end of the film industry. At the end of the session, a program was drawn up for another meeting tomorrow at which studio managers and Pat Casey, labor contact man for major companies will be present.

Attorneys present at the meeting refused to divulge the nature of the discussions. It was learned, however, that considerable confusion exists as to the interpretation of the law.

Radio—Page 8

Brandt, Weisman to Confer with Arnold

Harry Brandt, president of the I.T.O.A., and Milton C. Weisman, counsel for the organization, leave for Washington this morning for a scheduled conference with Thurman Arnold, assistant U. S. Attorney General, this afternoon.

The conference pertains to the legality of theatre acquisitions by independents as well as affiliated circuits in view of the pending Government anti-trust suit.

Majors Win Trust Suit Jury Verdict In Indianapolis

INDIANAPOLIS, Dec. 5.—A Federal jury in U. S. District court here today returned a verdict in favor of the seven film company defendants in the Indianapolis Amusement Co. $266,000 damage suit after deliberating less than an hour.

Defendants in the action were M-G-M, Universal, United Artists, 20th Century-Fox, Paramount, Vitagraph (Warners) and Educational.

Indianapolis Amusement, which formerly operated the Colonial and Regent here, went into bankruptcy in 1927. Its action claimed that through block booking it was obliged to play product of inferior box-office value which injured its business.

PACT DRAFT NOT U.S. SUIT ANSWER

Justice Dept. Apparently Not Concerned Over Trade Program

WASHINGTON, Dec. 5.—Officials of the Department of Justice will read the trade practice draft with interest when it is received. They do not believe, however, that it is the answer to the problems raised by the pending anti-trust suit in New York.

Apparently the department has not yet received the industry's reform program, and does not seem to be particularly interested in the matter, having refrained from sending any representatives to conferences at which it was discussed.

Officials do not believe that the trade practice program can cover the whole gamut of practices and conditions cited in the New York suit.

It is the intention of the industry, once the exhibitor organizations and participating bodies approve, to arrange a meeting with Thurman Arnold, assistant U. S. Attorney General, in Washington, and to discuss with him and other Department of Justice officials the new trade practice reforms.

By the middle of this week, such bodies or their representatives shall have completed their study of the draft of the new trade code, preparatory to further conferences with the distributors' group on the matter.

On Thursday, the distributors meet with the M. P. T. O. A. representatives for a final discussion of the trade code merits.

Italy Delays Films Decree For 6 Months

ROME, Dec. 5.—American distribution representatives here have been advised by Government officials that Italy will postpone the effective date of the film distributing monopoly decree for six months from Dec. 31.

Terms of the postponement have not been made known, so it is uncertain now whether all distribution companies or only certain ones are to be included in the enforcement suspension. Likewise, it is not known whether limitations will be placed on the amount of product which may be brought in during the period of grace or whether more drastic financial restrictions than those now in force will be invoked after Jan. 1.

Home office foreign departments said no official notification had been received from Rome as yet that Italy would defer enforcement of its film monopoly decree for six months. The inclination of most foreign departments was to withhold comment until

(*Continued on page* 5)

Justice Department and Majors To Explain Theatre Compromise

In the *Motion Picture Daily* on Monday, Nov. 12, there was printed the fact that the film companies have agreed not to acquire or sell theatres without the knowledge of the Government. The companies agreed to submit day-to-day reports on theatre deals to the Department of Justice.

This was the compromise reached between the defendants in the Government's pending anti-trust suit, in New York, in lieu of a standstill agreement as was previously sought by the Government.

Now, both the Department of Justice and the defendants are about to issue explanations for this compromise.

When this shall be done has not been indicated. The defendants have hired Steve Hanagan to present their side, and he has prepared a statement for the companies, which it is presumed will soon be issued to the press.

It is understood that the D. of J., under the compromise, has the right to enjoin any deal which may be undertaken by the defendants if the Government deems so to do.

Also, the statements which will be issued very likely will be identical in subject matter but of course each will treat the subject from the respective views.

Casa Manana Will Become Vaude Spot

Despite a gross of $30,000 to $40,000 weekly at the Casa Manana, Billy Rose will close the theatre restaurant Dec. 17, reopening New Year's Eve with two-a-day vaudeville.

Rose said that the closing and change of policy is due to the demand of the waiters' union for a 33 per cent increase in wages. The union, Local 16, told Rose that the waiters would walk out if the demand was not met.

Operation of the Casa Manana has brought Rose added prestige as a showman. He will close the club in the midst of a successful season, with a box-office which proved to Rose that the public wants the vaudeville type of entertainment again. He will remodel the club.

Purely Personal

JOSEPH R. VOGEL, Loew circuit executive, and OSCAR A. DOOB, advertising and publicity head, leave Thursday for visits to theatres in Washington, Baltimore, Reading, Harrisburg, Norfolk and Richmond. They will return Monday. ERNEST EMERLING, assistant to DOOB, returns tomorrow from a swing around midwest theatres.

•

E. V. RICHARDS of Saenger Circuit is in New York from New Orleans for conferences with BARNEY BALABAN and may remain through tomorrow to attend a Paramount board meeting.

•

MOISHE OYSHER, star of the All-Yiddish musical, "The Singing Blacksmith," will make a personal appearance at the Hollywood, Montreal, where his picture is playing.

•

LYNN FARNOL, United Artists advertising and publicity director, arrives in New York today after being grounded in Pittsburgh yesterday while en route here from the coast by plane.

•

M. J. FARRELL, co-author of the play, "Spring Madness," which opens on Broadway shortly, arrived on the *President Roosevelt* yesterday, accompanied by her husband, R. L. KEANE.

•

WILLIAM F. RODGERS and TOM CONNORS of M-G-M may arrive today from Buffalo, where they went following a district managers' meeting in Chicago over the weekend.

•

CHESTER MORRIS, together with his wife, is stopping at the Waldorf for a two-week vacation here. They return to the coast for the holidays.

•

DR. E. E. JELLEY, of the Kodak research department, came in on the *President Roosevelt* yesterday to take up duties in the New York office.

•

ARTHUR M. LOEW, vice-president of Loew's, and his brother, DAVID L., and their wives, are due Dec. 28 from a South American trip.

•

L. W. CONROW, president of Altec Service Corp., is spending several days in Washington on business.

•

WARD MOREHOUSE, N. Y. *Sun* dramatic critic, returned from a 16-day southern cruise yesterday.

•

PAUL WHITEMAN will headline the show at Loew's State the week of Dec. 29.

•

JUDGE I. FREY of Loew's legal staff is back from Florida.

Chadwick to Handle Tri-National in West

John E. Otterson, president of Tri-National, has closed with I. E. Chadwick to distribute Tri-National importations in the west. With headquarters in Los Angeles, Chadwick will distribute in California, Hawaiian Islands, Oregon, Washington, Nevada, Idaho, Utah and Colorado.

Insiders' Outlook

NOW that Russell Birdwell suggests licensing of press agents, maybe the newspapers should counter with a suggestion that they be fingerprinted.

▼ ▼

In a letter to the *Worcester Telegram,* Kenneth Clark of the Hays office, points out that out of 17,500 theatres in the country, 15,200 are entirely independent of any producing or distributing company.

Of the 15,200, there are 379 companies which operate four or more theatres as circuits. These independent circuits operate and control approximately 3,850 theatres, which leaves 11,350 theatres customarily classed as individual operations. These 11,350 theatres, of course, are unaffiliated or independent theatres.

The letter was written as a response to an editorial in the paper which stated: "The moving picture houses throughout the country are owned largely by a few companies."

▼ ▼

Proxies in support of the Pathe liquidation plan are coming in slowly. This development may be of more significance than the du Pont and Pathe stockholders' court actions, in possibly halting liquidation. The law requires 80 per cent stockholder approval. Pathe directors are said to have about 60 per cent on hand. Failure to obtain the balance by Dec. 13, date of the special meeting of stockholders, may be fatal to the plan. The law, it is understood, also requires that the liquidation must be completed during December to be valid.

▼ ▼

CBS has issued a splendid promotional volume giving in detail the part the network played during the 20 crucial days of the Czechoslovakian crisis when it appeared that a general European war was imminent. The volume contains 175 pages of analytical detail and comment, and rates an honored position in any library about radio.

▼ ▼

By this, Dudley Murphy will learn that in a communication to the trade press, the A.M.P.A. describes William Howard, who will be the society's guest of honor at the Astor, Thursday, as he "who is now completing work on 'One Third of a Nation.'"

▼ ▼

According to 20th Century-Fox advices, King Farouk of Egypt has written enthusiastically about "In Old Chicago," which the monarch viewed at a special Cairo screening. Understood that the royal letter went to L. Giordano, the company's Near-East supervisor.

To Drop "Lucknow" Filming in England

LONDON, Dec. 5.—Following objections of the India Office to the production and release of "Lucknow," by Butchers Film Service, Maurice Elvey, director, is expected to abandon it.

Believing that the risks of Government and censor objections are too great, the planned employment of 800 staff technicians and cameramen has been abandoned.

Tippett Quiz Date Set

John D. Tippett, president of John D. Tippett, Inc., was ordered to appear for examination before trial on Dec. 20 by N. Y. Supreme Court Justice William T. Collins in connection with the company's $600,000 breach of contract suit against Universal Pictures. The complaint alleges breach of a 1932 contract under which Universal allegedly agreed to purchase one-half of its raw film requirements from the plaintiff.

Rose Sets Para. Film

LONDON, Dec. 5.—Prior to leaving for the United States, David Rose, in charge of Paramount British production, set plans to make "Chinese Fish," as a single quota release, to be directed by J. Elder Wills and to star Valerie Hobson.

To Hear Appeals on Canada Royalty Fees

TORONTO, Dec. 5.—A meeting of the Copyright Appeal Board has been called for Friday to consider any objections to the schedule of fees which the Canadian Performing Right Society, Ltd., proposes to collect from theatres, radio stations, orchestras, fall fairs and other amusement operators for the use of its musical works during 1939 under the provisions of the Canadian Copyright Act. The society has not asked for any increase in the license fees which it will collect from theatres on a basis of seating capacity.

Paramount May Shift Al Wilkie to Studio

Al Wilkie, Paramount publicity head, may be transferred to the studio under a revamping of the department which is being worked out on the coast by Robert Gillham, advertising and publicity director. C. N. Odell, of the home office publicity staff, would replace Wilkie while the latter is at the studio. There is a possibility that Wilkie will alternate between the home office and studio.

Newkirk to Be Reopened

Murray Ginsberg, owner of the Newkirk in Brooklyn, will reopen the theatre this month after remodeling it at a cost of $10,000.

Name Lyle Wilson As President of Carolina Owners

CHARLOTTE, Dec. 5.—Lyle M. Wilson of Roanoke Rapids, N. C., today was elected president of the Theatre Owners of North and South Carolina.

H. R. Berry of Hartsville, S[illegible], and F. H. Beddingfield of Char[illegible]e were elected vice-presidents. Mrs. Walter Griffith was reelected secretary-treasurer.

Ed Kuykendall, president of the M. P. T. O. A., and Ned E. Depinet, vice-president of RKO, addressed the 26th annual convention. President S. S. Stevenson presided at the sessions yesterday and today, with 300 delegates present. Gene Autry also was present.

Round-table discussions were held today, followed by committee reports and the election of new officers.

Lachmann to Escort Gov. Chandler West

Marc Lachmann, 20th Century-Fox exploitation manager, leaves today for Frankfort, Ky., where he will meet Jim Denton of the studio. The two will escort Gov. A. B. "Happy" Chandler of Kentucky and his party to the coast for the premiere aof "Kentucky" at the Carthay Circle, Dec. 14.

During their five-day stay on the coast, the Kentuckians will be guests of Joseph M. Schenck and Darryl F. Zanuck at a party, with many notables attending.

Prior to the opening of the film, the Governor will broadcast on a coast-to-coast network program on the picture.

In the party will be members of the Governor's family; Lieut. Gov. and Mrs. Keene Johnson; Mayor Joseph Scholtz of Louisville; Mayor Reed Wilson of Lexington; A. N. "Bo" McMillan, football coach at the University of Indiana; Carl Saunders, managing editor of the *Kentucky Post;* Joe Hart of the *Louisville Courier-Journal;* Tom Underwood of the *Lexington Herald;* Boyd Martin of the *Louisville Courier-Journal,* and others.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

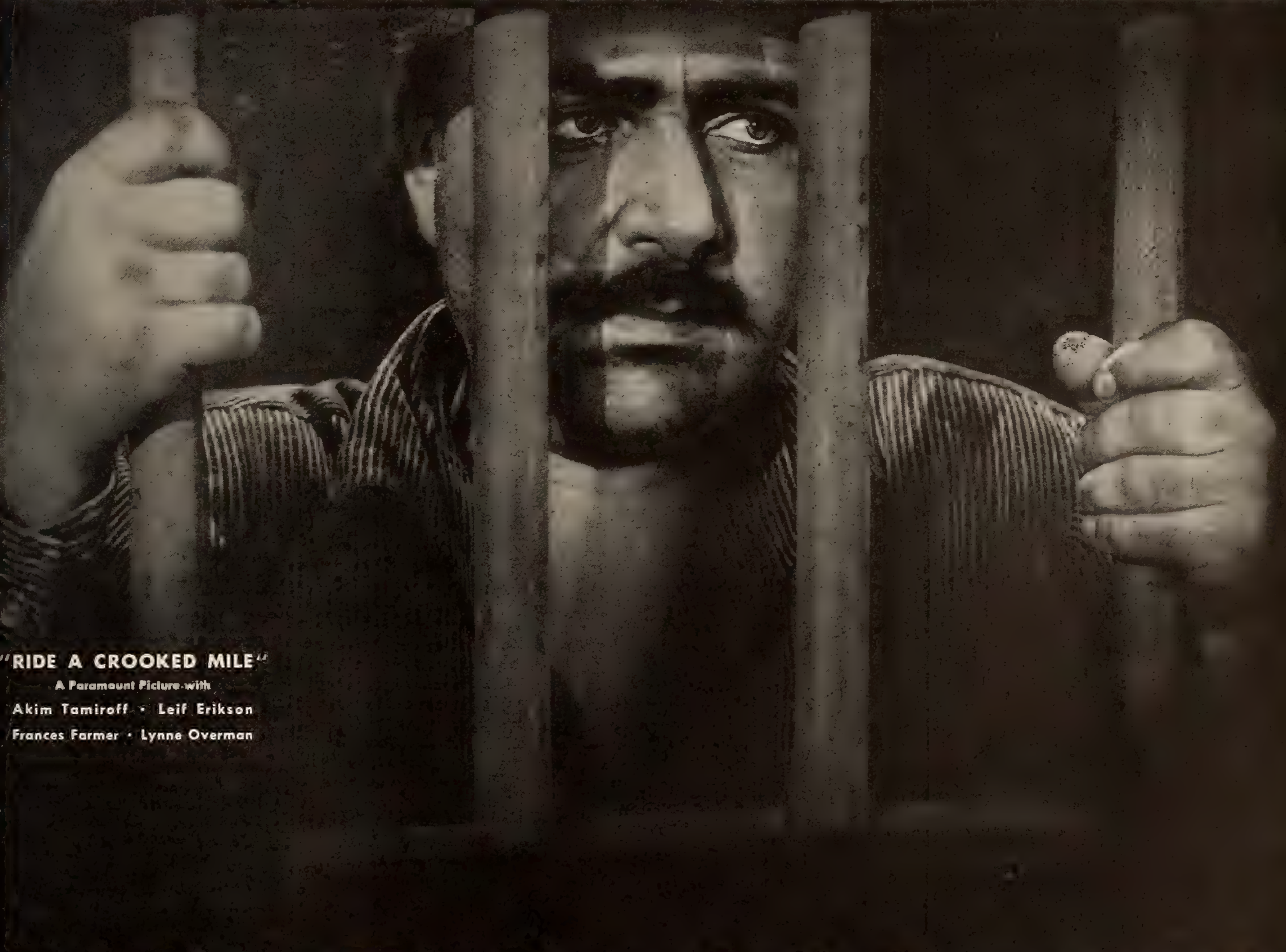
Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS:—*Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

DANGER



"RIDE A CROOKED MILE"
A Paramount Picture with
Akim Tamiroff · Leif Erikson
Frances Farmer · Lynne Overman

He's box office dynamite in Paramount's

"RIDE A CROOKED MILE"

"Okay drama! Definitely establishes Tamiroff as character star."—*Hollywood Reporter* . . . "Virile, exciting melodrama. Superb characterizations by Tamiroff."—*Daily Variety* . . . "Tamiroff's performance most convincing and vigorous of the year. Suspense retained steadily until finish."—*Motion Picture Herald* . . . "Red-blooded, action-crammed drama. Brilliant performance by Akim Tamiroff."—*Box-Office.*

Variety Club

Pittsburgh

Pittsburgh, Dec. 5.—Local Variety Club has started its fifth annual Milk Fund Drive, in cooperation with Station KDKA and the *Pittsburgh Press*. The purpose is to provide milk for children in 31 orphanages. The goal this year is $65,000.

The club need raise only $32,500, which is matched by William Zeuger, local milk dealer. WWSW also will aid this year. Four Saturday radio broadcasts before Christmas are employed. John P. Harris and George Tyson head the club committee, aided by Ira Cohen, chief barker, and Clarence Pettit, KDKA program director.

Cincinnati

Cincinnati, Dec. 5.—Father Cletus A. Miller, one of the club's chaplains, has had the rank of Papal Chamberlain with the title of Very Reverend Monsignor conferred upon him. At 35, he is the youngest Monsignor on record.

Harold Bernstein is in California where he will be married.

Very Rev. Cletus A. Miller, Rabbi Victor E. Reichert and Chief Barker Joe Oulahan have been appointed to determine the charitable obligations o fthe club.

Film Act Committee Adjourns to Jan. 12

London, Dec. 5.—The Home Office Advisory Committee in its initial meeting opened consideration of the nonflam situation, then, on suggestion of Sir Samuel Hoare, adjourned the discussion until Jan. 12.

The committee was established to advise the Home Office and Scottish office on the administration of the 1909 Films Act. Lord Tyrrell, chief film censor, was present at the meeting. The committee decided to hear evidence as part of its activities, and it is believed certain that short subjects producers and the Cinematograph Exhibitors' Association will send deputations.

Mexican Labor Union Again Bans "Scipio"

Mexico City, Dec. 5.—Exhibition of "Scipio Africanus" was blocked at the last minute and after costly advertising at the Cine Palacio here by the Confederation of Mexican Workers, this country's most powerful labor organization.

It revived the ban on the picture, on the ground that it is Fascist propaganda, which it canceled when the picture was brought to Mexico six months ago.

Bank Night Outlawed In 2 Mass. Counties

Dedham, Mass., Dec. 5.—District Attorney Edmund R. Dewson has notified police chiefs in all cities of Norfolk and Plymouth Counties that they must halt all theatre use of Bank Night and similar games within their jurisdiction.

In a circular letter to the officials, Dewson wrote, "This scheme is a lottery, and it must be stopped immediately."

New York Preview

"Sacrifice D'Honneur"

(*Tri-National*)

"Sacrifice D'Honneur," first of Tri-National's product, in French but with ample English titles, is a somberly treated story of an eternal triangle, albeit not a sordid one, presented against a sweeping background of French naval warfare. A few attempts have been made to insert some Gallic wit as relieving touches, however, with effective results. The premiere was before a distinguishd audience at the distinctive new Normandie Theatre on Park Ave.

The story deals with a middle-aged French naval officer married to a beautiful young girl, Annabella, who, despite an earlier indiscretion with another French officer, is devoted to her husband. The picture reaches its emotional climax following the torpedoing of her husband's ship by an enemy vessel which gives French signals. At the court martial his story about the signals is not believed until his wife, sacrificing her own honor, reveals that she too had seen the signals while in the stateroom of the young lieutenant with whom she had staged her indiscretion prior to her marriage. The court, thinking her story a fabrication to protect her husband, finally clears him of charges when another officer admits he, too, had seen the false signals.

Annabella, as usual, photographs stunningly, and gives an admirable performance. Victor Francen gives an effective characterization as the middle-aged naval officer. The battle scenes are action-packed and realistic. Marcel L'Herbier directed.

Running time, 75 minutes. "A."* Jack Banner

"A" denotes adult classification.

"Gang Bullets"

(*Monogram*)

This is unpretentious but active, well-paced screen fare, which should serve its purpose in the smaller spots where active dramatic material is suitable. Although put together without any elaboration, this E. B. Derr production, directed by Lambert Hillyer, has definite values for many audiences.

Robert Kent, Anne Nagel, Charles Trowbridge, Morgan Wallace and J. Farrell MacDonald have the leading roles, and all handle themselves in satisfactory fashion.

The original screenplay by John T. Neville finds Wallace, big-time racket boss, tossed out of many towns and finally starting his activities, operating gambling joints, shakedown protection "associations" and the like in the town where Trowbridge is district attorney. Kent is his assistant and Miss Nagel, Kent's fiancee, is Trowbridge's daughter. MacDonald is chief of police.

Trowbridge is faced with ousting from office because he cannot arrest and convict Wallace, and when evidence makes it appear that Trowbridge is conspiring with the gangster, Kent seeks to convict him. Only at the last minute, in an active climax, it appears that Trowbridge was trapping Wallace, successfully, and the misunderstanding between Kent and Miss Nagel is cleared up.

Running time, 63 minutes. "G."* Charles S. Aaronson

"G" designates general classification.

"Santa Fe Stampede"

(*Republic*)

The dependable "Three Mesquiteers" perform their usual hard-riding, fast-shooting and expert villain-busting in the latest in their Republic series, "Santa Fe Stampede." It has excellent outdoor photography and pace. Juvenile and adults who go for westerns will like it.

The "Mesquiteers," having grubstaked a pal, Dave Carson, who has struck a rich mine, are sent for by Carson to receive a half claim in the mine. But Gil Byron, a villainous mayor, learns of the strike and sics his mob on the boys and Carson. The ensuing action sees an ambushing, with the death of Carson and his little daughter, a false murder charge against Stony Brooke, leader of the "Mesquiteers," a near lynching of Brooke when Byron stirs up the townsfolk, and in the end the inevitable triumph of justice and law and order. There is a love interest between Brooke and Carson's grown daughter, Nancy, but it's slightly treated. John Wayne, Ray Corrigan and Max Terhune are again the "Three Mesquiteers." George Sherman directed.

Running time, 58 minutes. "G." Jack Banner

"G" denotes general classification.

'Citadel' and 'Blondie' Hub High, $37,500

Boston, Dec. 5.—Boston's box-office takes ballooned more than 60 per cent above average last week. "The Citadel" and "Blondie" led with $21,000 at Loew's Orpheum. Grand total for two theatres, Loew's State and Orpheum, was $37,500. At the Metropolitan "Angels with Dirty Faces" and "Down on the Farm" ran a strong second taking a clear $20,000.

"Drums" and its co-feature, "Swing Cheer," was third and strong enough for a holdover, at $18,000.

Estimated takings for the week ending Nov. 30:

"Angels With Dirty Faces" (W. B.)
"Down on the Farm" (20th-Fox)
METROPOLITAN—(4,332) (25c-35c-40c-55c) 7 days. Gross: $20,000. (Average, $12,500)
"Drums" (U. A.)
"Swing Cheer" (Univ.)
RKO MEMORIAL—(2,907) (25c-35c-40c-55c) 7 days. Gross: $18,500. (Average. $13,000)
"The Citadel" (M-G-M)
"Blondie" (Col.)
LOEW'S STATE—(3,537) (25c-35c-40c-55c) 7 days. Gross: $16,000. (Average, $10,000)
"The Citadel" (M-G-M)
"Blondie" (Col.)
LOEW'S ORPHEUM—(2,907) (25c-35c-40c-55c) 7 days. Gross: $21,500. (Average. $12,000)
"Suez" (20th-Fox)
"Torchy Gets Her Man" (W. B.)
PARAMOUNT—(1,797) (25c-35c-40c-55c) 7 days. Gross: $7,000. (Average, $9,000)
"Suez" (20th-Fox)
"Torchy Gets Her Man" (W. B.)
FENWAY—(1,332) (25c-35c-40c-55c) 7 days. Gross: $5,000. (Average, $4,500)

Examining Dates Set For Newburgh Action

Dates for nine examinations before trial in the anti-trust suit brought by Orange County Theatres, Inc., against Eugene Levy, George Walsh, Netco Theatres Corp., Paramount, 20th Century-Fox, Big "U" Film Exchange, United Artists, RKO and Joseph Lee have been set by Federal Judge Edward A. Conger. Judge Conger ordered the appearance of Harry Buxbaum and Lee yesterday; Sidney R. Kent, today; Neil F. Agnew and M. S. Kusell, Dec. 7; Walsh and Levy, Dec. 13 and William Sussman on Dec. 21. Harry Friedman, president of Orange, must appear Dec. 15.

Books and records which list all film releases in Newburgh, N. Y., from 1935 to 1937 must be produced by the defendants. The plaintiff seeks $225,000 damages for an alleged conspiracy to restrain trade in violation of the Sherman and Clayton anti-trust laws.

Chicago Union Deal Same As This Year

Chicago, Dec. 5.—Terms of the new contract here for projectionists are understood to be the same as for the current year, which is 10 per cent under the previous year.

The signing of the contract is awaiting only the working out of individual problems with certain exhibitors. The conclusion of an agreement ends the long fight between the unions and exhibitors over the union's attempt to win a pay increase.

Zukor Is Here On Paramount British Policy

Paramount's new operating policies in Britain will be determined during [illegible] next 10 days while Adolph Zukor, [illegible] arrived from the coast yesterday with Mrs. Zukor, is in New York. A postponed meeting of the company's board will be held tomorrow and several conferences of the company heads will get under way immediately following the arrival from London on Friday of John W. Hicks, foreign head, and David Rose, Paramount's British production representative.

The conferences are expected to cover the company's future production policy in England, theatre expansion abroad and the executive setup for England and the Continent. Zukor said on his arrival here that a number of story properties, which he declined to identify, had been withdrawn from the Hollywood schedule in the belief that they were better adapted for production in England. Producers, directors, cast members and technicians will be sent to London from Hollywood for work on some of these while others will be made with wholly British personnel.

To Add to Theatre Holdings

Zukor said he assumed the company would continue to add to its theatre holdings abroad inasmuch as it had maintained a policy of theatre expansion for many years. Decision on appointment of a successor to J. C. Graham, whose former post as managing director for Britain has not been filled, would be up to Hicks.

Asked to comment on reports that he might relinquish his post as chairman of the Paramount board, Zukor said, "I have given the matter no thought." High company officials have denied reports that Zukor would be replaced by a new board chairman on leaving for London.

Mr. and Mrs. Zukor stopped off in Tucson for a week to visit their daughter, Mildred Zukor Loew, and her son. Barney Balaban, Paramount president, was at the station to meet the Zukors. The latter will sail some time next week.

Also arriving on the 20th Century yesterday were Will H. Hays and Mrs. Hays, who had been in Hollywood for about four weeks, and an M-G-M home office sales delegation returning from a weekend sales meeting in Chicago. In the latter group were W. F. Rodgers, Fred Quimby, Tom Connors and Si Seadler.

Canadians to Weigh Contract Revisions

Toronto, Dec. 5.—A meeting of the Conciliation Committee of the Film Section, Toronto Board of Trade, will be held Wednesday to consider applications of the Independent Theatres Association for revision of the standard license agreement, including the elimination of the score charge and changes in clearance schedules.

The chairman of the committee is J. T. Bragg, secretary of Famous Players Canadian Corp., while N. A. Taylor represents the I. T. A.

High Court to Hear W.Va. Tax Argument

Washington, Dec. 5.—U. S. Supreme Court this week will hear argument on the applicability of the West Virginia "use" tax to pictures distributed by out-of-state companies, on appeal of the state's acting tax commissioner against a district court decision holding United Artists not engaged in business in West Virginia and its activities beyond reach of the use tax as interstate commerce.

Statute provides for collection of one per cent of gross proceeds of companies engaged in business in the state. The tax commissioner contended U. A. was sufficiently engaged in business in West Virginia to be subject to the tax and not engaged in interstate commerce relative to local exhibition of its films, which is the only activity sought to be taxed.

Italian Decree Is Delayed 6 Months

(*Continued from page* 1)

the terms of the extension become known. Some indicated the belief that the postponement might be designed to apply to certain companies only, in order to break the solid front of the American distributors' opposition to E. N. I. C.

Metro, 20th Century-Fox, Paramount and Warners, which have their own branches in Italy, have given notice to employes and made arrangements for liquidating their Italian offices Dec. 31. It is assumed, however, that the notifications would be cancelled if the official terms of the postponement of the effective date of the decree are acceptable.

Confer Today for Future GN-FA Deal

Hollywood, Dec. 5.—Jack Skirball, production head of Grand National, declined to reveal whether Fine Arts would continue to release through G.N. or break away entirely. He arrived here from N. Y. with Edward Alperson, G.N. sales chief.

A conference has been set for tomorrow between Skirball, Alperson and Franklyn Warner, F. A. head, and an announcement of future G.N. and F.A. relations was promised for this week. Skirball declared that production would start shortly on six musical westerns which will feature Tex Fletcher. Other production activity will also be speeded in order to catch up with the release schedule which fell by the wayside when F.A. suspended activity.

Group Service Altec Plan

Altec Service Corp. is inaugurating a plan for making servicing available to exhibitors at reduced rates through contracts with exhibitor organizations. The group servicing deals will be made with any "recognized" exhibitor unit. Negotiations are under way now with several regional theatre associations.

Marquee Hearing Is Scheduled Tomorrow

(*Continued from page* 1)

limited to theatres, but in its present shape, is receiving the mayor's attention.

In effect, the present bill would restore the law to the same as existed prior to the adoption of the new city charter. The present code, however, limits marquees and signs on marquees to a two-foot width. David Solinger, attorney for Newsreel Theatres, Inc., is conducting litigation to determine the right of the Board of Standards and Appeals to waive the two-foot law, and he is expected to appear at the hearing to favor passage.

Committee of General Welfare of the council now has under consideration an amendment to the administrative code to ban all marquees from Broadway between 69th St. and 120th St. and from 72nd St. between Columbus Ave. and Riverside Dr. This bill also includes a ban on the area on side streets lying within 100 feet of Broadway. The committee held a public hearing on the bill last Wednesday.

Myers, Samuelson to Attend Phila. Meet

Philadelphia, Dec. 5.—With Abram F. Myers, general counsel of national Allied, and Sidney Samuelson of New Jersey as speakers, final plans for an Allied suit in Philadelphia are expected to be completed at an organization meeting here tomorrow.

Roosevelt Pact Is To Run Five Years

(*Continued from page* 1)

House secretary would aid or hinder him in his connection with any motion picture of controversial nature which he might have to work on, Roosevelt said, "Mr. Goldwyn doesn't make controversial pictures" and Goldwyn promptly affirmed the assertion.

Roosevelt plans to remain in Hollywood for about ten days and will report to N. Y. headquarters on Jan. 2, the date when his contract becomes operative.

Amplifying his preliminary statement that he had been attracted to the industry by its record of service to the general public, Roosevelt said he had long sought a chance to identify himself with a "growing industry" and indicated he believes the motion picture has by no means attained its full stature. Goldwyn said the employment of Roosevelt was in keeping with his long known policy of obtaining the services of "able young men" and that "probably nobody is so well acquainted with public taste as Mr. Roosevelt."

A question as to whether the five-year pact has the usual option clauses was allowed, gracefully, to go unanswered although an answer to an earlier question had concluded with "if I'm here a year from now."

Roosevelt declined to discuss the amount of his salary beyond saying reports that it is $50,000 a year are "high."

MISTER AVERAGE MAN
. . . AS ARTIST STEIG KIDS HIM!
Wm. Steig

. . . but author ADELA ROGERS ST. JOHNS takes him seriously!

"The Average Man is the guy who today, as yesterday, comes forward in times of trouble . . . he is the keystone of the world's greatest democracy."

Christmas comes but once a year . . . but a comedy idea like this comes once in a lifetime . . . and 20th has it!

"THANKS FOR EVERYTHING"

(Released December 23rd)

MOTION PICTURE DAILY'S HANDY BOOKING CHART

[Dates Are Based Upon National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After the Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS	G. B.
Oct. 28	The Little Adventuress (G) (D) *Edith Fellows* Law of the Texan (O)	The Citadel (G) (D) *Robert Donat* *Rosalind Russell* (909)		Men With Wings (G) (D) *MacMurray*		Tarnished Angel (G) (D) *Eilers* (907)	Suez (G) (D) *Tyrone Power* *Loretta Young* (913)		The Storm (G) (D) *Bickford* *MacLane* *Foster*	Brother Rat (G) (C) *Wayne Morris* *Priscilla Lane*	The Lady Vanishes (G) (C) *Margaret Lockwood* *Paul Lukas* (Nov. 1)
Nov. 4	In Early Arizona *Bill Elliott* *Dorothy Gulliver*	The Great Waltz (G) (M) *Luise Rainer* *Fernand Gravet* *Miliza Korjus* (908)	Gangster's Boy (G) (D) *Jackie Cooper* *Robert Warwick*	Illegal Traffic (G) (D) *J. Carroll Naish* *Mary Carlisle*	I Stand Accused (G) (D) *Robt. Cummings* *Helen Mack*	Lawless Valley (G) (O) *George O'Brien* (981)	Always in Trouble (G) (C) *Jane Withers* *Jean Rogers* (914)	The Young in Heart (G) (C) *Gaynor* *Fairbanks, Jr.* *Goddard*	Exposed (G) (C) *Glenda Farrell* *Otto Kruger* Prairie Justice (O)	Hard to Get (G) (C) *Dick Powell* *de Havilland*	The Frog *Noah Beery* *Gordon Harker* (Nov. 15)
Nov. 11		Spring Madness (G) (D) *Lew Ayres* *Burgess Meredith*	Gun Packer (O) *Jack Randall*	If I Were King (G) (D) *Colman* *Rathbone*	Rhythm of the Saddle (G) (O) *Gene Autry*	Annabel Takes a Tour (G) (C) *Oakie* *Lucille Ball* (908)	Just Around the Corner *Shirley Temple* *Charles Farrell* (915)		His Exciting Night (C) *Charles Ruggles* *Ona Munson*	Torchy Gets Her Man (G) (D) *Glenda Farrell* *MacLane*	Climbing High (M) *Jessie Matthews* *Michael Redgrave* (Dec. 1)
Nov. 18	Adventure in Sahara *Paul Kelly* *Lorna Gray*	The Shining Hour (A) (D) *Crawford* *Sullavan* *Douglas*	Gang Bullets *Anne Nagel*	Thanks for the Memory (G) (C) *Bob Hope* *Shirley Ross* *Butterworth*	Storm Over Bengal (G) (D) *Patric Knowles* *Rochelle Hudson*	Law West of Tombstone (G) (O) *Harry Carey* *Jean Rouverol* (909)	Sharpshooters (G) (D) *Brian Donlevy* *Lynn Bari* (916)	Cowboy and the Lady (G) (C) *Cooper* *Oberon*		Nancy Drew, Detective *Bonita Granville* *John Litel*	G. N.
Nov. 25		Out West with the Hardys *Lewis Stone* *Mickey Rooney*	Little Tenderfoot (O) *Tex Ritter*	Say It in French *Ray Milland* Arrest Bulldog Drummond	Santa Fe Stampede (G) (O) Orphans of the Street	Peck's Bad Boy at the Circus *Tom Kelly* (G) (C)	Submarine Patrol (G) (D) *Richard Green* *Nancy Kelly* *Preston Foster* (909)		Little Tough Guys in Society (G) (C) *Boland* *Auer* *Horton*	Angels with Dirty Faces (G) (D) *Cagney* *O'Brien* *"Dead End" Kids*	Shadows Over Shanghai (G) (D) *James Dunn* *Ralph Morgan* (Oct. 14) (311)
Dec. 2	Blondie (G) (C) *Penny Singleton* *Arthur Lake*	Flirting with Fate (G) (C) *Joe E. Brown* *Leo Carrillo*	Song of the Buckaroo (O) *Tex Ritter*	Little Orphan Annie (G) (C) *Ann Gillis* *Robert Kent*	Come On, Rangers (G) (O) *Roy Rogers* *Mary Hart*		Road Demon (G) (D) *Henry Arthur* *Joan Valerie* *Henry Armetta* (918)		Strange Faces (G) (D) *Dorothea Kent* *Frank Jenks* *Andy Devine*	Comet Over Broadway *Kay Francis* *Ian Hunter*	Frontier Scout (G) (O) *George Houston* (Oct. 21) (325)
Dec. 9	Rio Grande (O) *Charles Starrett* *Ann Doran*	Dramatic School *Rainer* *Goddard* *Alan Marshall*	I Am a Criminal *John Carroll* *Mary Kornman*	Ride a Crooked Mile *Farmer* *Erikson* *Tamiroff*	Western Jamboree (O) *Gene Autry* *Smiley Burnette*	Next Time I Marry *Lucille Ball* *James Ellison* (910)	Up the River (G) (C) *Tony Martin* *Phyllis Brooks* (924)		Secrets of a Nurse (G) (D) *Helen Mack* *Edmund Lowe*	Heart of the North *Dick Foran* *Gloria Dickson*	Titans of the Deep (Oct. 28) *Dr. Beebe* (326)
Dec. 16	Strange Case of Dr. Meade *Jack Holt* California Frontier (O)	A Christmas Carol *Reginald Owen* *Terry Kilburn*	Tough Kid *Frankie Darro*	The Frontiersman (G) (O) *William Boyd* (3856)	Red River Range *3 Mesquiteers* Federal Man Hunt		Down on the Farm (G) (C) *Jones Family* (920)		Swing, Sister, Swing *Ken Murray* Ghost Town Riders (O)	Secret Service of the Air *Ronald Reagan* *John Litel* *Ila Rhodes*	Cipher Bureau (G) (D) *Joan Woodbury* *Leon Ames* (Nov. 4) (312)
Dec. 23	There's That Woman Again *Douglas* *Bruce*	The Girl Downstairs *Tone* *Gaal* *Connolly*	Wild Horse Canyon (O) *Jack Randall*	One Third of a Nation *Sylvia Sidney* Tom Sawyer, Detective	Fighting Thoroughbreds *Ralph Byrd* *Mary Carlisle* *Robert Allen*		Thanks for Everything *Menjou* *Oakie* (917)	Trade Winds *Fredric March* *Joan Bennett*	Newsboys Home *Jackie Cooper* *Wendy Barrie*	The Dawn Patrol *Errol Flynn* *Rathbone*	
Dec. 30	Smashing the Spy Ring *Fay Wray* *Ralph Bellamy*	Sweethearts *MacDonald* *Nelson Eddy*	Sky Pirate *John Trent*	Artists and Models Abroad *Jack Benny* *Joan Bennett*	Shine On, Harvest Moon *Roy Rogers* *Mary Hart*	The Great Man Votes *John Barrymore* *Peter Holden*	Kentucky *Loretta Young* *Richard Greene* (923)	Duke of West Point *Louis Hayard* *Joan Fontaine*	Last Warning *Foster* *Jenks*	Going Places *Dick Powell* *Anita Louise*	Sunset Strip Case *Sally Rand* (Nov. 11) (345)

English Film Loans Getting Court Test

London, Dec. 5.—Two actions to establish the legal status of bank loans for production financing on which insurance policies have been posted as security were begun in the Commercial Courts here today. The two actions involve 23 companies and an estimated $10,000,000 of production financing. Others will be filed later, it is believed.

The first action was brought by the Westminster Bank against Ralli Bros., and the second by Guild Hall Insurance Co. against Poland, Cockell and Stewart and Lloyd's, underwriters.

The actions are regarded here as test cases to establish liability resulting from production losses in instances in which the loans were secured by insurance policies.

$500,000 Suit Filed Against Movie Quiz

Movie Quiz was subjected to its first legal attack yesterday when Milton Spitz, copyright owner of "U-Spot-It," filed an infringement suit in the U. S. District Court here against Motion Pictures Greatest Year, Inc., Columbia, M-G-M, Paramount, RKO, 20th Century-Fox, Universal, Warners, Monogram, Bobbydick, Inc., operators of the Globe, and Moredall Realty Corp., operators of the Capitol. A permanent injunction restraining the Quiz, $500,000 damages and an accounting of the profits is sought. Pending trial of the suit, a motion for a temporary injunction will be made.

Annexed to the complaint is a booklet copyrighted in March, 1936, which describes "U-Spot-It." The idea called for a distribution of identification tickets to the audience. The patron would watch the film for a shot which would refer to his identification and, if found, would go to the platform to answer questions concerning the story.

Para.-Skouras Start Contest on "French"

Paramount has launched a Neil F. Agnew exploitation contest in cooperation with Skouras Theatres on "Say It in French." Prizes totaling $500 will be awarded to Skouras managers who contribute the best exploitation campaigns and tally the best comparative grosses on the film.

The contest will end on March 8, 1939. The judges will be S. P. Skouras, E. F. Zabel and George H. Balsdon on grosses, and Alec Moss, Paramount advertising manager, on exploitation.

Reserve Pathe Decision

N. Y. Supreme Court Justice Philip J. McCook reserved decision yesterday on the motion for a temporary injunction made by 16 Pathe Film Corp. stockholders to restrain the Dec. 13 meeting of the company when a vote will be taken on the proposed dissolution.

Sarecky Quits Universal

Hollywood, Dec. 5.—Barney Sarecky, associate producer at Universal since 1936, wound up his contract there and left for New York.

Hollywood Preview

"Dramatic School"

(M-G-M)

Hollywood, Dec. 5.—The M-G-M search for films to fit the unique talent of its two-time Academy winner, Luise Rainer, led in this instance to use of a Hungarian play by Hans Szekely and Zoltan Egyed dealing with the acting carrer of just such an actress as Miss Rainer is. This fact would seem to provide useful exploitation material for showmen offering the attraction.

Miss Rainer's role is that of a Paris factory worker who attends dramatic school and whose more adequately financed but less talented fellow students stimulate her to the invention of boastful fictions which circumstance and strangers instinctively sympathetic to her ambition conspire to make come true. Chief among these fictions is that Alan Marshal, rich Parisian, loves her and is "angel-ing" her career. He does and is, for a time, but his interest cools and the hurt of his desertion spurs her to dramatic virtuosity and box-office triumph. She plays the role in the plain, repressed manner of her previous appearances.

Robert B. Sinclair directed for producer Mervyn LeRoy and the screenplay is by Ernest Vajda and Mary C. McCall, Jr. Paulette Goddard shares top billing with Miss Rainer and plays a professional rival. Gale Sondergaard and Henry Stephenson are outstanding in support with Melville Cooper, Lana Turner, Anthony Allan, Genevieve Tobin and Ann Rutherford among the members of a very large cast. The production is expensively done and contains a number of effective passages. It is mature in tone and treatment, although equipped with dialogue lines which specifically define the "angel"-actress relationship as immaculate, and depends rather completely on the Rainer popularity.

Running time, 82 minutes. "A."* Roscoe Williams

"A" denotes adult classification.

New York Preview

"Ride a Crooked Mile"

(Paramount)

Showmen have a combination of gangster, prison, army, Russian exile and filial love themes to sell in this picture, as well as a first class job by Akim Tamiroff, that sterling character actor.

There are also Leif Erikson in a strong performance and Frances Farmer in the role of a patient sufferer.

Tamiroff is a transplanted Russian Cossack who has amassed wealth by bigtime cattle rustling somewhere out west. He discovers he has a grown son, who proves to be a chip off the old block. Tamiroff's resolve to go straight is interrupted by the F. B. I. men, who send him to the Federal pen at Leavenworth. Erikson joins the cavalry and with Miss Farmer's help plots the escape of Tamiroff and a cellmate, Lynne Overman. There's a smash climax as Erikson, who finds that duty comes before paternal ties, leads a troop in pursuit of the escaped convicts.

The picture is full of action. Jeff Lazarus produced, Alfred E. Green directed, Ferdinand Reyher and John C. Moffitt did the original story and screenplay.

Running time, 78 mins. "G."* Al Finestone

"G" denotes general classification.

Warners Plan Big Ad Campaign on "Patrol'

Advertising plans for "Dawn Patrol" by Warners include full page ads in color in *Life, Look* and *Click* which will appear during the national release of the film, set for Dec. 25. In January, issues of *Modern Screen, Modern Movies, Photoplay, Screenland* and *Silver Screen* will also carry ads.

Horwitz Recovering

Cleveland, Dec. 5.—M. B. Horwitz, independent circuit owner is on the mend at Lakeside Hospital where he is convalescing from pneumonia.

KMTA Is Planning Regional Meetings

Kansas City, Dec. 5.—Kansas-Missouri Theatres Association plans a series of regional meetings to be held in Kansas and Missouri from Dec. 15 to Jan. 15. Tentatively, the meetings have been set for Pratt, Stocton, Salina, Topeka and Independence, Kan., and Joplin, Eldon and Maryville, Mo.

Purpose of the meetings is to gain the full cooperation of all theatres, affiliated and non-affiliated, and to provide an opportunity to discuss legislative and other problems, Frank Cassil, president, said. All members of the board will attend.

Depositions Read In Loew's Action

First day for the taking of testimony in the suit of Loew's minority stockholders against the company and its officers and directors was consumed by the introduction of depositions and written exhibits. Stockholders were granted permission to amend their complaint to include 20 additional charges. Most of the allegations referred to charges of favoritism and concessions granted to relatives of officers. Norma Shearer, Edward Loew and Bank of America, as executors of the estate of Irving Thalberg, were named as defendants.

The deposition of Louis B. Mayer, which traced the history of the company's development, was read into evidence and was followed by the deposition of J. Robert Rubin. Reading of Rubin's deposition will be completed today. A total of 85 exhibits were also admitted. The trial continues today in the N. Y. Supreme Court before Justice Louis A. Valente.

Legion Approves 10 Of 11 New Pictures

National Legion of Decency for the current week approved 10 of 11 pictures reviewed and classified and found one objectionable in part. Of those approved, eight were found unobjectionable for general patronage and two for adult patronage. The new films and their classification follow:

Class A-1, Unobjectionable for General Patronage—"Adventure in Sahara," "Dawn Patrol," "Father O'Flynn," "Flirting with Fate," "In Early Arizona," "Last Warning," "Little Adventuress," "Up the River."

Class A-2, Unobjectionable for Adults—"Comet over Broadway," "Shadows over Shanghai."

Class B, Objectionable in Part—"The Story of a Cheat."

M P Art Fund to Sell 42,700 Benefit Tickets

M. P. Art Fund for German Refugees has pledged itself to dispose of 42,700 tickets for the benefit. Sale of tickets starts this week. Assisting Carl Krueger, chairman, in the sale are Jimmy Boyle, RKO, Ruth Weisberg, Warner, Al Sherman, Columbia, Charles Garrett, Gaumont-British, Arthur Jeffrey, U. A., Leon Schreibman, Republic, Gene Murphy, M-G-M and Loew's, Lou Shanfield, 20th Century-Fox, Marion Orford, Universal, Ruth Schwerin, Monogram, and Milton Silver, National Screen Service. Gus Eysell, managing director of the Music Hall, will appoint a member of his staff within the next few days.

Pascal's Next to Be "Doctor's Dilemma"

London, Dec. 5.—Gabriel Pascal's next picture will be "Doctor's Dilemma," to be made here with a Hollywood star and director, to be followed by "Major Barbara," with Wendy Hiller, and "Devil's Disciple," to be made in Hollywood.

George Bernard Shaw is writing an original for stage and picture production. Pascal's policy will be to alternate between England and Hollywood on production.

▸ Radio Personals ◂

GUY LOMBARDO has been appointed as head of the Radio Division of the Christian Committee for the Relief of Jewish Refugees . . . Lucy Monroe off to St. Louis and Cincinnati to fulfill concert dates . . . Stuff Smith's orchestra set for five weeks at the La Salle, Chicago, by Stan Zucker, general manager of Consolidated Radio Artists . . . Myron Selznick, Ltd., has just set a guest appearance for Fredric March on Eddie Cantor's Camel Caravan program Dec. 12. The deal was arranged by Herman Bernie.

✚

Adding another milestone to a bright career, Guy Lombardo's orchestra celebrates its 10th big time year in radio on Dec. 12 . . . Buddy Clark, Nan Wynn and Ray Block's orchestra set for a new show of their own on CBS, starting next Wednesday at 10:30 P. M. . . . Robert Montgomery and Olivia De Havilland will be heard in "Scarlet Pimpernel" in the Lux "Radio Theatre" Dec. 12.

High Fidelity Set Marketed by WQXR

WQXR, New York City's high fidelity station, is marketing a high fidelity radio receiver, the first time such a step has been taken by any station. The set is designed by WQXR's engineering staff under the direction of John V. L. Hogan, owner of the station, and is built to improve reception of high fidelity broadcasts.

Ansley Radio Corp. is manufacturing the sets, which will go on display some time next week.

Rodzinski to Direct Four NBC Concerts

Arthur Rodzinski will direct the NBC symphony orchestra in the Saturday night broadcasts of Dec. 10 17, 24 and 31, while Arturo Toscanini is on vacation. The latter will resume Jan. 7.

Will Honor Sarnoff

David Sarnoff, president of RCA, was notified yesterday that he is to be this year's recipient of the Poor Richard Club's gold medal of achievement, for "contributions to American civilization." The medal will be awarded in Philadelphia at a club banquet Jan. 17.

Manchu Himself

Radio Attractions, Inc., did it right when they sent out invitations to a preview of the radio production of "The Shadow of Fu Manchu" at the Waldorf tomorrow.

They printed the invitation on a be-ribboned paper resembling parchment and had it delivered by an imposing figure dressed like a storied Chinese mandarin, accompanied by a Chinese girl in native dress.

F.C.C. "Forgives" Welles Broadcast

Washington, Dec. 5.—Orson Welles' "War of the Worlds" program of Oct. 30 was forgiven today by the Federal Communications Commission in an announcement that complaints regarding the program will not be considered in approving renewal of the stations carrying the broadcast.

The commission explained that "in its judgment," steps taken by CBS since the broadcast are "sufficient to protect the public interest" and expressed the belief there is no likelihood of a repetition of incident. Public sentiment on the broadcast, which created panics in several localities, was shown by the commission to have been divided.

New CBS Sustainer Taking Welles Spot

With the Orson Welles series vacating the Sunday 8 to 9 P. M. spot on CBS to begin a new commercial schedule, CBS will fill the period with an elaborate new sustaining series titled "This Is New York," with James Montgomery Flagg, the illustrator, as the m. c. Initial guests are to be Alexander Woollcott and Louis Armstrong. Leith Stevens' orchestra and Lynn Murray's choral group will appear permanently in the series. Ed Gardner will produce. The program starts Dec. 11.

RCA-Amperite Trial Set

Trial of the infringement suit brought by RCA and Western Electric against Amperite Corp. and Samuel Ruttenberg has been set for Jan. 16 by U. S. District Court Judge John M. Woolsey. The suit charges infringement of four patents covering improvements on microphones and amplifiers. An accounting of profits, damages and injunction are sought.

New CBS Program Gives Studio Tieup To RKO Theatres

Direct tieups with all RKO theatres and the studio will be the basis of the radio series which RKO and the William Wrigley Co. will sponsor on the CBS network, beginning Jan. 8.

The new program, known as "Gateway to Hollywood," will be directed to the discovery of new talent. Application blanks for tryouts will be obtainable only at RKO theatres. Arthur Willy, RKO eastern talent chief, will interview applicants at the company's exchanges throughout the country, with the appointments for promising talent being made in advance by mail. Regional contests will be arranged for those selected by Willy and winners will be guaranteed six months' employment at $125 a week at the RKO studio. All talent used will be billed by the names of "Alice Eden" and "Jack Archer."

Central Casting Bureau, Hollywood, is participating in the plan and all bookings of successful contestants will be handled by it.

Idea for the program originated with Jesse L. Lasky, who will supervise the series on the air. Broadcasts will be over a 60-station hookup, Sundays from 6:30 to 7:00 P. M., E.S.T.

Ethyl on 61 Stations

Ethyl Gas Co. will use 61 stations to carry its new show on CBS, bowing in Jan. 12 from 10 to 10·45 P. M. The program will be the sponsor's first attempt at network radio. Batton, Barton, Durstine & Osborn is the agency. The talent comprises Andre Kostelanetz, Kay Thompson's vocal group and Walter O'Keefe.

Bette Davis on "Theatre"

Bette Davis has been signed for two appearances in the "Silver Theatre" on CBS, Dec. 11 and 18. Miss Davis will be heard in a specially written story, "Broken Prelude," which will be in two installments.

Network Chiefs and N.A.B. Meet on New Industry Code

Network executives sat with a committee of the National Association of Broadcasters in all-day session here yesterday to act on formation of a new industry code. The meeting follows a recent suggestion made to that effect by David Sarnoff, president of RCA, at the monopoly hearings in Washington.

The entire day was devoted to a review of past network program standards and policies and to a review of the old National Association of Broadcasters Code, which was adopted in 1935. Since adoption of the old code, the NAB has been completely reorganized, with Neville Miller coming in last July as the association's first "paid" president.

From yesterday's meeting, according to those who attended, will evolve a preliminary approach to formation of an entirely new NAB code.

The committee stated frankly it recognized that the code in force is inadequate for present day broadcasting, but would not make known what recommendations for change it considers making. However, its recommendations will be presented to the board of directors of the NAB at special meetings in Washington Dec. 12 and 13

Those who attended yesterday's meeting include Neville Miller, president of the NAB; Lenox Lohr, president of NBC; Ed Klauber, executive vice-president of CBS; Ted Streibert, vice-president of Mutual; Edgar Bill of Peoria, Ill.; Ed Craney of Butte, Mont.; Paul Morency, Hartford, Conn.; Ed Spence, secretary-treasurer; Arnold Bennett,, attorney, and Ed Kirby, public relations. all of the NAB. Frank Mason and Niles Trammell, NBC vice-presidents, also attended the afternoon session.

FCC Calendar

WASHINGTON, Dec. 5.—The Federal Communications Commission has assigned for hearing Dec. 19 the application of Yuba-Sutter Broadcasters, for a new 1,320-kilocycle, 250-watt station at Marysville, Cal.

The commission also ordered hearings, to be held Jan. 10, on the applications of James F. Hopkins, [illegible], for a new 1,400-kilocycle, 250-watt station at Ann Arbor; WKOK, Sunbury, Pa., for extension of time from sharing to unlimited, and WJEJ, Hagerstown, Md., for increase of day power from 100 to 250 watts.

Hearings have been ordered on the applications of the Dalhart Broadcasting Co., for a 1,500-kilocycle station at Dalhart, Tex., with 100 watts power night, 250 watts day; Copper County Broadcasting Co., for a 1,370-kilocycle station at Hancock, Mich., with 100 watts night, 250 watts day; Martinsville Broadcasting Co., for a 1,420-kilocycle station at Martinsville, W. Va., with 100 watts night, 250 watts day; Presque Isle Broadcasting Co., for a 1,500-kilocycle station at Erie, Pa., with 100 watts night, 250 watts day; Albemarle Broadcasting Co., for a 1,370-kilocycle station at Elizabeth City, N. C., with 100 watts night, 250 watts day, and WFMD, Frederick, Md., for extension of time from day to unlimited.

WOR-Mutual Record Last 6th Ave. "L" Run

The last rattlings of the last train to traverse the gloomy Sixth Avenue "L" were recorded for radio listeners and for posterity by WOR-Mutual, with Dave Driscoll working in the 38th St. station, and Al Josephy riding aboard the final "limited."

The broadcast, was on the air at 12 midnight, and lasted for 10 minutes. For contrast, following the description of the final ride of a train on the elevated structure, WOR-Mutual followed with a recorded description of underground activities of the building of the Sixth Avenue subway.

The broadcast on the "L" platform almost came a cropper when Josephy, riding on the train, could not get off at the 38th St. station with passengers he had obtained for interview purposes. The plan had been for Josephy to disembark with some passengers and join Driscoll on the 38th St. platform, but the motorman elected to ride straight to 42nd St.

Olsen-Johnson Star In New CBS Program

Olsen and Johnson have been set for a cooperatively sponsored show on CBS to begin within the next few weeks. The radio program will be styled along the lines of their Broadway musical show, "Hellzapoppin." The air show will be billed as "Whatsapoppin."

The series will take the Sunday 5 to 5:30 P. M. spot, now occupied by a sustaining show. Fred Mayer, independent producer, is lining up the show and has already secured a number of sponsors. It is believed the program will have about 35 sponsors over as many CBS outlets by the time the program starts.

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 44. NO. 111 NEW YORK, WEDNESDAY, DECEMBER 7, 1938 TEN CENTS

Fairbanks May Produce at SI Coast Studios

Selznick May Share in New Company

Negotiations under which Selznick International may obtain a participating interest in the new producing company being formed by Douglas Fairbanks, Sr., in return for use by the latter of the S-I studio and production facilities are under way.

S-I has not made and does not contemplate making a financial investment in the Fairbanks company.

The negotiations will be continued with the return to New York from Europe of Fairbanks and Montague Marks. The latter and Adrian Baillie represent British investors,

(Continued on page 7)

Butterfield Quits Pathe News Post

Allyn Butterfield has resigned as managing editor of Pathe News after three years with the newsreel. Frederic Ullman, Jr., vice-president and general manager, has taken over the post, at least for the time being. A successor may not be named for some

(Continued on page 7)

Dividend Totals Are Aired in Loew Suit

Charges that five Loew employes received $12,800,000 during the period from 1934 to 1937 while common stockholders received $21,612,000 during the same period were aired yesterday in the N. Y. Supreme Court before Justice Louis A. Valente in the minority stockholders' suit. Bernard J. Reis, an accountant, testified that he had made an examination of the books to determine the figures. It is expected that the plaintiffs will later charge that the amount received as dividends was too low.

The five men who participated in the $12,800,000, according to Reis, were Louis B. Mayer, J. Robert Rubin, Nicholas Schenck, David Bernstein, Irving Thalberg and Arthur Loew. Most of the day was taken up with the reading of depositions of Rubin, which had started on Monday, Schenck, Bernstein, Theodore Frey and John Hazel. The trial will continue today.

Radio—Page 8

Allied Will Observe 10th Birthday Jan. 17

Allied States next month will observe its 10th anniversary at a "Founders' Day" dinner to be held at the Carlton Hotel, Washington, Jan. 17.

The dinner will be held in conjunction with the annual directors' meeting, Jan. 17 and 18. Allied States Association began operations on Jan. 15, 1929.

Allied is inviting independent exhibitors generally to attend the dinner.

U. S. Strength in Chicago Case May Show Tomorrow

CHICAGO, Dec. 6.—When Leo Spitz, William Kirkland and other attorneys for defendants appear Thursday before Federal Judge Woodward, in connection with the Government's criminal contempt plea against Balaban & Katz, Barney Balaban and various major film companies, there may be revealed just how strong or weak the U. S. case may be.

The defendants already have asked for a bill of particulars.

There doesn't appear to be any likelihood of the Government abandoning its action. The contempt action is sought on alleged violation of the 1932 consent decree.

Spitz is counsel for RKO and Universal. Kirkland is counsel for Para-

(Continued on page 7)

Cutting Rooms Are Busy on 78 Films; 41 Before Cameras

HOLLYWOOD, Dec. 6.—Forty-one productions are before the cameras this week, as seven finished and seven started. Twenty-one are being prepared, and 78 are in the cutting rooms.

Started were: "Paroled to Exile," Monogram; "Me and My Girl," "Sudden Money," Paramount; "Twelve Crowded Hours," RKO; "Winner Take All," "The Jones Family in Hollywood," 20th Century-Fox; "Torchy Blane Runs for Mayor," Warner.

In addition to these, shooting were: "Lone Wolf No. 1," and "Let Us Live," Columbia; "Ice Follies of 1939," "Honolulu," "The Wizard of Oz," "Idiot's Delight," "I Take This Woman," "Burn 'Em Up O'Connor," "Broadway Serenade," "Song of the West," M-G-M; "Cafe Society,"

(Continued on page 3)

Studio Men Tackle Wages-Hours Plan

HOLLYWOOD, Dec. 6.—After a meeting today with 40 representatives of the studios to discuss procedure under the wages-hours law, Pat Casey, producer labor contact, said that no program would be established until after a second meeting on Friday. The question causing most discussion is that of classification of workers as there are about 80 in the industry and some may be declared professional and not under the jurisdiction of the act.

Boom in Phonograph Record Business Drawing Wall St.

By SAM SHAIN

Phonograph record business has boomed so, that the business is attracting the attention of financiers in Wall Street, and when that happens, it's a sure sign that the business has a future. Now there is to be heard talk about mergers and combinations in the disc business.

Almost a year ago Decca and American Record Co. (Yates) discussed a merger, and today it is CBS and American. The American Record Co. is a combination of Columbia-Brunswick and Vocalion. Brunswick was formerly owned by Warner Bros. in their talker heyday. That was when Warners bought the record and phonograph business from Brunswick-Balke-Collender and paid something like $12,000,000 for them. It was one of those hectic periods like a gold rush in the film business. Sound had come in. Everybody was sound conscious. For Warners it meant a new outlook and future in the film business.

Some time after that Herbert Yates (Consolidated Laboratories) who, as everybody knows, is in the processing business, felt that he had to do something to protect his business. Yates also is the head of Republic Pictures, important film company. And so he went to Scranton and purchased a button stamping factory in order to be protected in the new sound wave.

Vitaphone at that time, which was owned by Warners, used the disc, and

(Continued on page 8)

Program Not Full Solution, States Myers

Tells Phila. Allied Vital Point Is Conciliation

PHILADELPHIA, Dec. 6.—Talking on the trade practice draft before the newly formed Allied group here, Abram Myers, general counsel of Allied States, explained its advantages but said, "I would like to point out to you exhibitors that the schedule as published is not the end of the road, nor is it self-executing, and it doesn't mean exhibitors will find every solution."

The new organization formed here adopted the name Allied Independent Theatre Owners of Eastern Pennsylvania, and set an annual budget of $25,000 of which half was raised today. A total of 45 exhibitors was present, many formerly active in the United M. P. T. O. here.

Myers declared the most important factors in the trade practice draft are

(Continued on page 7)

Laurel Sues Roach Asking $700,000

HOLLYWOOD, Dec. 6.—Charging breach of contract, Stan Laurel today filed suit for $700,000 against Hal E. Roach and Hal Roach Studios, Inc. Laurel charged that Roach cancelled a contract under which he was to star with Oliver Hardy in two additional pictures. The pact, made in 1937, called for four pictures, of which two were made, he said. After the contract was abrogated Hardy was co-starred with Harry Langdon, the complaint states.

Church Film Boards Asked for Canada

Montreal, Dec. 6.—Separate Protestant and Catholic school board censor units to rule on films for children were believed to have been suggested today in a report of the pedagogical committee of the Montreal Catholic School Commission.

The report, which supports the "Films for Children" drive, was the result of a month's study of the question. The present 10-year-old law limits the admission age to 16 years and over.

◂ Purely Personal ▸

JOHN GARFIELD, Warner player, arrived yesterday by plane from the coast to join his father, who is ill here. He will return to the studio soon.

•

E. C. RHODEN, Fox Midwest division manager in Kansas City, is in town conferring with SPYROS SKOURAS.

•

MIKE CULLEN, Loew's district manager at Pittsburgh, conferred yesterday with JOE VOGEL at the home office.

•

HUNTER PERRY and SAM PINANSKI are at the Paramount home office for conferences with BARNEY BALABAN.

•

NED E. DEPINET returned from Charlotte yesterday. DAVE PALFREYMAN is due from there today.

•

AUSTIN C. KEOUGH of Paramount was confined to his home with a cold yesterday.

•

J. ROBERT RUBIN of M-G-M was on the sick list yesterday.

•

HAL HORNE is expected back from London next week.

•

ED KUYKENDALL will arrive in New York today.

Kent Leaves Friday For Studio Meeting

Sidney R. Kent, president of 20th Century-Fox, leaves Friday for the studio to attend a meeting of production and distribution officials which will start early next week.

Other home office executives and others from New York will leave tomorrow night. On Friday they will be joined by district managers from other parts of the country in Chicago, from where they will proceed to Los Angeles, arriving there Sunday.

Van Doren Plans House

WATERBURY, Conn., Dec. 6.—Frederick Van Doren of the Hamilton plans a 650-seat theatre here.

THE MERCURY

GIANT
SKYSLEEPERS

OVERNIGHT TO LOS ANGELES

Fly the Southern SUNSHINE route overnight to Los Angeles. Through service. No change of planes. Giant SKYSLEEPERS. Complimentary meals served by stewardesses.

Mercury	Southerner
Lv. 5:10 p. m. (only 3 stops)	Lv. 9:10 p. m. (only 5 stops)

FOR RESERVATIONS: Call Your Travel Agent or VANderbilt 3-2580. Ticket Offices: 45 Vanderbilt Ave., and Rockefeller Center, 18 W. 49th St.

AMERICAN AIRLINES Inc.

Insiders' Outlook

BERNARD HAYMAN has suggested to major networks establishment of a general charity tax of 10 cents per person, upon free radio audiences, for the benefit of German refugees, and when the Nazi scourge is removed, to fire and flood victims in stricken areas.

▼ ▼

Some indication of the exhibitor mind regarding Samuel Goldwyn's employing James Roosevelt may be had from the following comment which appears in the Allied States bulletin, of Dec. 5:

"A few exhibitors have become unduly alarmed by the report (confirmed this morning) that the President's son, James Roosevelt, was going to take a position with Sam Goldwyn, pretending to see in the affair an effort to gain White House support in securing the dismissal or abandonment of the Government's prosecution against the motion picture trust.

"This imputes to the President's son a motive so unworthy that no one who seriously reflects on the matter can fairly entertain it."

Incidentally, it looks like the younger Roosevelt is fortunate in more ways than one, for he is to have the benefit of being tutored in the trade by James Mulvey, vice-president and eastern representative for Samuel Goldwyn, on coming east. Quarters are being prepared for the new v.p. adjoining those of Mulvey, in the Goldwyn home offices, here.

▼ ▼

Hollywood committees are planned by the Motion Picture Arts Fund for German Refugees to cooperate with the New York group in the nationwide campaign to raise money for refugee relief.

The figure of 47,200 tickets for the art drawing sponsored by the Fund was conceived unauthoritatively by a trade paper contact for the group.

Fund committees plan a nationwide distribution of 200,000 tickets. Distribution will be made through the exchanges. The tickets should be off the press late this week.

A Hollywood personality may be named national executive chairman. Al Margolies is permanent chairman of the Fund.

About 60 paintings have been contributed to date, with Dean Cornwell, Max Kalisch and other prominent artists making donations. The Fund committees hold a joint meeting today at the Piccadily.

Loew's Xmas Hosts To 80,000 Children

Fifty Loew theatres in the metropolitan area are preparing to entertain 80,000 youngsters at special Christmas Day morning shows. The children will be invited from orphanages and other institutions. Gifts such as candy are being donated by neighborhood merchants.

The circuit estimates that 100,000 youngsters will be similarly entertained at 75 theatres out of town.

Deny Plea to Study Smith Firm's Books

N. Y. Supreme Court Justice William T. Collins has denied William Mayer the right to examine the corporate books and records of S. M. M. H. Corp. organized to market a patent for a non-intermittent camera and projector. According to the papers filed, Mayer is a 10 per cent stockholder and Courtland Smith and Saul Rogers are officers of the corporation. Similar applications to inspect the books of Studio C. Lens Corp. and C-Lens Corp., organized to market lens patents, were also denied.

Loew-Skouras in Deal

Arrangements are expected to be completed this week whereby Loew's will enter in a joint operation deal for two Skouras theatres on upper Broadway. Loew's have two theatres in the area, the Lincoln Square at 66th St. and Broadway, and Loew's 83rd.

L. Fox on Ad Films

HOLLYWOOD, Dec. 6.—Lawrence W. Fox, Jr., president of General Film Co., which produces the Crime Club shorts for Universal release, has formed the General Commercial Film Co. to produce advertising films. He will continue with the Crime Club productions.

Cocalis Takes Riviera

Sam Cocalis has taken over the Riviera, St. John's Place, Brooklyn, from Randforce. He expects to reopen it at Christmas with a policy of vaudeville and films.

The "CONTINENTAL" to LOS ANGELES

Deluxe overnight Sleeper

★ Latest evening departure — 5:20 p.m.—with arrival for morning business in Hollywood. Or take United's famous Overland Flyer, another Sleeper plane, leaving at midnight. Fast, luxurious, fewest stops.

RESERVATIONS at 58 East 42nd Street, MUrray Hill 2-7300. Or travel bureaus, hotels.

UNITED AIR LINES

The Main Line Airway

To Ask Chamberlain About 'Lucknow' Ban

London, Dec. 6. — Prime Minister Chamberlain will be questioned tomorrow in Commons on the censorship of "Lucknow," Butcher Films picture which was abandoned on objections from the India Office.

Chamberlain will be asked, it is understood, whether the Government is considering the establishment of a state censor board.

Johnson President Of Exchange Union

Lou Johnson of the Loew exchange was reelected president of the Film Exchange Employes' Union, Local B-51, at the annual election. Votes were cast by 232 of the total membership of approximately 300. Plans were laid for several social events which will take place after the first of the year.

Other successful candidates were: Leo Braun, Paramount, vice-president; David Newman, Warner, secretary-treasurer; Gerard Lee, Loew's, recording and corresponding secretary; Augustus Kubart, Loew's, sergeant-at-arms; Michael Orlando, 20th Century-Fox; Leonard Brooks, Warners; Selig Epstein, RKO; Victor Pepitto, Columbia; James Pope, Loew's; Conrad Forschner, Paramount; Frank Gollotto, Universal, and Harry Newman, U. A., members of the executive board; Perry Strow, Warner; Irving Damrauer, Columbia, and Murray Engel, 20th Century-Fox, trustees.

Ohio Censor Cuts 47

COLUMBUS, Dec. 6.—Ohio censor reviewed 665 reels, from which 47 eliminations were ordered during the five-week period in November. Eight reels were rejected during week ending Nov. 4, and a like number for the week ending Nov. 18. These figures compare with 509 reels reviewed, with 24 eliminations in October, and 621 reels and 55 eliminations in November, 1937.

MOTION PICTURE
DAILY

(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

Seattle Slips But "King" Has Strong $8,350

SEATTLE, Dec. 6.—Best bet of the week was "If I Were King" at the Paramount, which took a neat $8,350 and was held. The only other house to better average was the Fifth Avenue, with "The Shining Hour" and "Road Demon," at $7,900. The weather was rainy.

Estimated takings for the week ending Dec. 2:

"Stablemates" (M-G-M)
"Touchdown Army" (Para.)
BLUE MOUSE—(950) (30c-40c-55c) 7 days, 3rd week, extended run from Fifth Avenue. Gross: $3.800. (Average, $4,000)

"The Shining Hour" (M-G-M)
"Road Demon" (20th-Fox)
FIFTH AVENUE—(2,500) (30c-40c-55c) 7 days. Gross: $7,900. (Average, $7,000)

"Drums" (U. A.)
LIBERTY—(1,800) (20c-30c-40c-55c) 7 days, 2nd week. Gross: $4,650. (Average, $5,000)

"Submarine Patrol" (20th-Fox)
"Swing That Cheer" (Univ.)
MUSIC BOX—(950) (30c-40c-55c) 7 days, 2nd week, extended run from Paramount. Gross: $2,950 (Average, $4,000)

"Just Around the Corner" (20th-Fox)
"Mr. Doodle Kicks Off" (RKO)
ORPHEUM—(2,450) (30c-40c) 7 days. Gross: $5,700. (Average, $6,000)

"Prairie Moon" (Repub.)
"Mr. Wong, Detective" (Mono.)
PALOMAR—(1,500) (20c-30c-40c) 7 days. Vaudeville. Gross: $4,800. (Average, $5,000)

"If I Were King" (Para.)
PARAMOUNT—(3,050) (30c-40c) 7 days. Gross: $8,350. (Average, $6,000)

M. P. Lawyers Talk With Mayor on Tax

Industry representatives met yesterday with Mayor LaGuardia for a discussion of the principles underlying the city's current efforts to assess distributors penalties and interest for non-payment of the two per cent city sales tax during a period in which the industry believed it was exempt from the levy.

The Mayor heard the industry's story from Arthur H. Schwartz of Schwartz & Frohlich, counsel for Columbia, and indicated that his views in the matter would be made known later.

In the industry delegation in addition to Schwartz were Harry Buckley, United Artists; Peyton Gibson, Universal; Carl Leserman, Warners, and Walter Frye and Arnold Bernstein, M-G-M.

Three Slates After 802 Executive Posts

Three rival slates are in the running for the annual elections of Local 802, American Federation of Musicians. Jack Rosenberg, present incumbent; Arthur Pryor and Arthur Holdstein have been nominated for the presidency. Elections take place Dec. 15.

Other nominations are: For vice-president, Dick McCann, incumbent; Jacob Blankleder, Sam Holder, Anthony Mulieri and Burt H. Smith; for secretary, William Feinberg, incumbent; W. Earl Duncan and Emil Hollander; for treasurer, Harry A. Suber, incumbent; Irving B. Carneol, William E. Richard.

Hollywood Previews

"Thanks for Everything"

(20th Century-Fox)

HOLLYWOOD, Dec. 6.—This is a lively and adroitly contrived comedy of situations, plus songs, running the scale of humorous devices from suave dialogue off the tongue of Adolphe Menjou to surefire slapstick swung by Jack Haley, Jack Oakie and expert assistants. Rooted in a radio contest, the story by Gilbert Wright is freshly turned and the screenplay by Harry Tugend makes capital of every kink in it. Preview audience reaction was loud and laudatious.

Haley plays a small town youth whose 100 percent correct answers to 100 questions asked in a radio contest seeking the "average American" inspire the head of the advertising agency to delay delivery of the prize money and use Haley as a guinea pig whose reactions form the basis of predictions on which the agency prospers prodigiously. Haley's romance is snarled in the process and extreme measures are resorted to by way of preserving the accuracy of his responses to stimuli. Final undertaking of the agency is to find out for a foreign power what degree of incitement is required to make the average American want to fight for his country and the picture gives a popular answer convincingly without departing even momentarily from the comedy vein. It's as nice a job of picture plotting as has come across the screen in months.

Interest is chiefly in Haley, Menjou and Oakie, with Arleen Whelan, Binnie Barnes and Renie Riano doing the relatively minor feminine chores competently. It's a Harry Joe Brown production directed for every laugh that's in it, which are many, by William A. Seiter. It contains four songs by Mack Gordon and Harry Revel for good measure and Tony Martin sings them. It's an all-'round, all-purpose comedy for any time or place.

Running time, 70 minutes. "G."* ROSCOE WILLIAMS

"I Am a Criminal"

(Monogram-Crescent)

HOLLYWOOD, Dec. 6.—"I Am a Criminal" is a melodrama of regeneration. The basic story, a freshly devised original by Harrison Jacobs, is sound and logical. Off the beaten path, it introduces a wealth of novelty in plot, situations, characterizations, dialogue and action. Intelligently directed by William Nigh, the plot is naturally and convincingly acted by John Carroll and young Martin Spellman especially, supported capably by Kay Linaker, Craig, Reynolds, Mary Kornman, Robert Fiske and Lester Matthews. Class of production given the film by E. B. Derr causes it to compare favorably with others that have had the benefit of larger budgets.

To win public sympathy for Collins, a gambler arrested on a murder charge, Attorney Fiske hires press agent Reynolds to publicize him as philanthropist and humanitarian. Reynolds' big stunt is to have the racketeer adopt waif Spellman. As Collins' attachment for the boy grows, Reynolds double crosses him by cutting in on Collins' girl friend, Miss Linaker. As the day of his trial approaches, Collins is deserted by all but Spellman and his house keeper, May Beatty. Then, rather than face the charge, he skips out but is surprised to find the boy accompanying him. In a mountain hideout, the attachment between the two grows stronger and Collins also finds real romance with Miss Kornman. But when Spellman is about to drown while trying to help Collins escape an officer, he sacrifices his chance for freedom by saving the boy. Arrested, he returns to face the charge knowing that Spellman and Miss Kornman will be waiting for him when he completes his sentence.

Running time, 73 minutes. "G."* G. McC.

**"G" denotes general classification.*

Associates Meet Dec. 13

Next meeting of the Motion Picture Associates will be held at the Hotel Lincoln, Dec. 13. Nomination of officers for the coming year and discussion of the annual dinner and dance are contemplated.

Buys House in S. C.

TIMMONSVILLE, S. C., Dec. 6.—The State here has been sold by Mrs. A. E. Whittemore, of Rockingham, N. C., to F. A. Green, native of Bishopville.

Murgin Theatres Formed

ALBANY, Dec. 6. — Papers of incorporation have been filed on behalf of Murgin Theatres, Inc., with Sidney Jacobson, Louis L. Seidman and David L. Holzman, New York, as directors.

Des Moines Xmas Party

DES MOINES, Dec. 6. — Plans are under way for the Warner Club's annual Christmas party Dec. 24. Bill Watkins, vice-president, is in charge of the entertainment.

Cutting Rooms Are Busy on 78 Films; 41 Before Cameras

(Continued from page 1)

"Never Say Die," "Union Pacific," "Hotel Imperial," "The Lady's from Kentucky," "Midnight," "I'm from Missouri," Paramount; "Love Affair," "The Castles," "The Flying Irishman," RKO; "Mysterious Miss X," Republic; "It's Spring Again," Roach; "Chasing Danger," "Mr. Moto in Porto Rico," 20th Century-Fox; "Son of Frankenstein," "You Can't Cheat an Honest Man," Universal; "Stage Coach," Wanger; "Oklahoma Kid," "Yes, My Darling Daughter," "Always Leave Them Laughing," "Dodge City," "Juarez," Broadway Cavalier," Warners.

Finished were "Racketeers," Columbia; "Fisherman's Wharf," Principal; "Charlie Chan in Honolulu," "Wife, Husband and Friend," 20th Century-Fox; "Newsboys' Home," Universal; "Dark Victory," and "Nancy Drew, Reporter," Warners.

Columbia started one short subject, which is still shooting. M-G-M finished two, and RKO, one. Five are being prepared, and 15 are in the cutting rooms.

"Pygmalion" Starts At Benefit Tonight

Special benefit performance at the Astor for German refugees will usher in "Pygmalion" tonight. Tomorrow it will start an indefinite run on a continuous show policy. "Mary Antoinette" finished on Sunday with an estimated $3,400 for its 16th and final week.

"Angels with Dirty Faces" is held over for a third week at the Strand. "Say It In French" did an estimated $29,000 at the Paramount and will be followed today by "Thanks for the Memory." "Out West with the Hardys" is due at the Capitol tomorrow and "Thanks for Everything" at the Roxy on Friday.

Foreign films are strong with "Grand Illusion" in its 13th week at the Filmarte and "Ballerina" in its fourth at the Little Carnegie. "Little Tough Guys in Society" drew an estimated $5,000 at the Rivoli in its second week. "Crime Takes a Holiday" attracted an estimated $6,200 at the Globe.

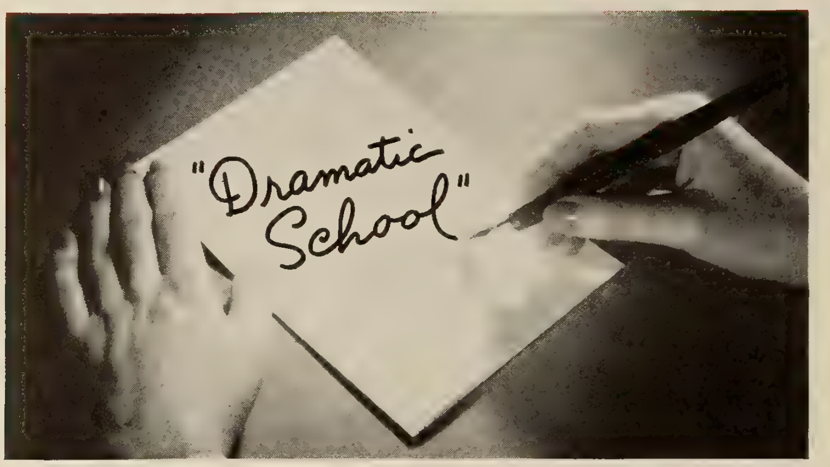
Vaudeville will augment a film policy at the Continental when the new policy goes into effect at the house Christmas Eve. The acts will be presented in the form of a short musical revue.

Gainsborough Year Profit Is $13,500

LONDON, Dec. 6.—A profit of $13,500 is recorded by Gainsborough Pictures for the year ended June 20 last, as against the loss in the previous year of $55,405.

The balance from trading and sundry income amounted to $83,135. Interest, depreciation and amounts written off total $62,945.

WRITE YOUR OWN TICKET!



"I WANT BIG PRE-HOLIDAY ATTRACTIONS WHEN I NEED THEM MOST!"

Okay Mr. Exhibitor, here's "**DRAMATIC SCHOOL**" starring Luise Rainer, Paulette Goddard. World Premiere Radio City Music Hall, starting December 8th. It's the most powerful heart drama since "Stage Door" and in its Hollywood Preview has been acclaimed one of the strongest box-office hits of the year.

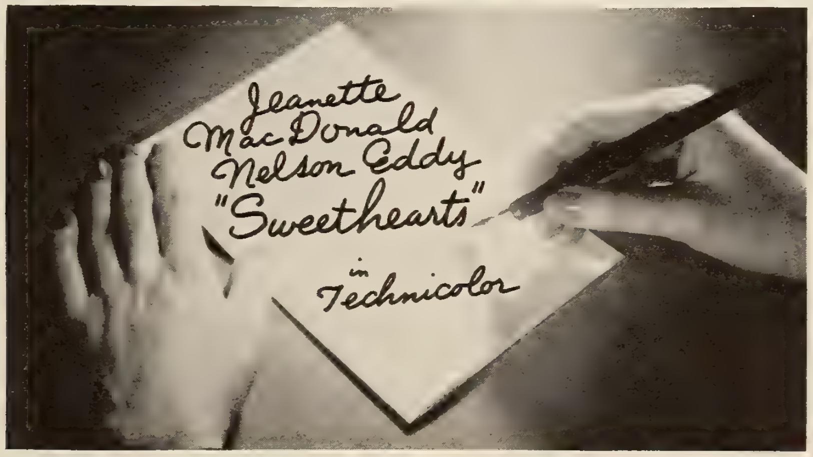
Other current M-G-M money attractions to keep your house packed are "**OUT WEST WITH THE HARDYS,**" latest sensation of this famed family, beating even the previous one, "Love Finds Andy Hardy." Also Joan Crawford, Margaret Sullavan, Robert Young, Melvyn Douglas in "**THE SHINING HOUR.**" Also "**THE GREAT WALTZ**" starring Luise Rainer, Fernand Gravet, Miliza Korjus. Also "**THE CITADEL**" starring Robert Donat, Rosalind Russell.

You get these big productions now, when your box-office needs them most!

Charles Dickens'
"A Christmas Carol"

"I WANT THE FINEST CHRISTMAS FEATURE EVER MADE!"

Okay, Mr. Exhibitor, here's **"A CHRISTMAS CAROL."** Please screen it immediately and we'll guarantee that with tears in your eyes, happiness in your heart, you'll agree it's the fullest 7 reels of audience thrill and joy you've seen since M-G-M's previous Charles Dickens masterpiece, "David Copperfield." And **"A CHRISTMAS CAROL"** is a knockout attraction for any season of the year!



"I WANT A NEW YEAR'S SHOW AS BIG AS A $6.60 BROADWAY MUSICAL HIT!"

Okay, Mr. Exhibitor, here's **"SWEETHEARTS"** starring JEANETTE MacDONALD, NELSON EDDY. Entirely in Technicolor and the most magnificent production that ever combined star names, hit-songs, soul-stirring love story and unique spectacular presentations! It will play day-and-date in hundreds of theatres across America, a positive clean-up for the most popular theatre-going time of the year! **"SWEETHEARTS"** will write new box-office history for the greatest number of simultaneous bookings and for attendance beyond all previous records.

METRO-GOLDWYN-M"A"YER, THE FRIENDLY COMPANY

Reviewing New Short Subjects

"Scouts to the Rescue"

(Universal)

If the first three episodes in Universal's new 12-chapter serial are any indication, "Scouts to the Rescue" should prove an attractive addition to the program. It has all the elements —Boy Scouts, G-Men and Indians. Jackie Cooper plays the lead as the assistant scoutmaster of his troop. Skeets Scanlon (Bill Cody, Jr.) finds a map of hidden treasure and the scouts go off to dig it up. It is really counterfeit money.

The counterfeiters, of course, go after the money and the G-Men after the counterfeiters. Indians in the territory where the bogus money is buried resent the intrusion of the scouts and try to capture them. Both Cooper and young Cody give appealing performances. Pat Scanlon plays Skeets' father, William Ruhl leads the G-Men and Ivan Miller is head of the gang.

Several exploitation devices lend themselves readily to this serial, chief of which is a Boy Scout tieup. Running time of each chapter, 21 mins. "G."*

'The Miracle of Salt Lake'

(M-G-M)

That America has not been immune to religious intolerance is dramatically shown in the persecution of the Mormons. Brigham Young leads his flock to the western wilderness where they will be free to practice their religion. But a new menace arrives, hordes of grasshoppers which threaten to destroy the crops wrested from an almost barren soil. The Mormons' prayers are answered, and seagulls destroy the destroyers. Carey Wilson poises the question, "Was this a miracle?" Well done. Running time, 11 mins. "G."*

'The Captain's Christmas'

(M-G-M)

Mildly amusing are the antics of the cartoon characters, "The Captain and the Kids," in a holiday short. The Captain has prepared a holiday for the kids but Long John Silver ruins things, then repents and makes amends. Running time, 9 mins. "G."*

"Stranger Than Fiction, No. 57"

(Universal)

Eight oddities are assembled to make up a diversified and interesting subject. A millionaire Santa Claus, quadruplet calves, a new type of metal sculpturing, religious services for the deaf, a family of 13, miniature art, world's smallest post-office, and an acrobatic dancer who can walk on her feet and elbows at once. Running time, 9 mins. "G."*

"Costa Rica"

(Paramount)

A travelogue in color of the Latin-American republic. Costa Rica's ancient customs and its modern life are contrasted. Done in the routine manner of travelogues. Running time, 10 mins. "G."*

"Man's Greatest Friend"

(M-G-M)

Pette Smith relates, in his usual interesting style, how man and dog have been companions through the ages. Most of the footage is devoted to Louis Pasteur's search for a cure for rabies and its successful consummation. If anyone has any doubts that the dog is man's best friend, this will go a long way to dispel them. Running time, 10 mins. "G."*

"Jaipur, the Pink City"

(M-G-M)

FitzPatrick Traveltalks describe the fabulous city in India where the buildings have a pink hue, which is brought out in the color tones. The strange customs of the natives, their religion which forbids the destruction of anything that lives, the primitive industry of the residents and their children, are among the topics that come before the camera. Running time, 8 mins. "G."*

"Football Romeo"

(M-G-M)

Our Gang goes in for football, but Alfalfa refuses to play in the crucial game against Butch's Assassins. Romantic pangs taunt him into joining his team, and he rushes on the field in the nick of time and saves the day. Running time, 10 mins. "G."*

"Opening Day"

(M-G-M)

City Treasurer Robert Benchley of Shreeversport substitutes for the Mayor in dedicating the new stadium. After considerable oratory and heckling by the crowd he finally throws the first baseball—into a store window across the street. Benchley's technique is not recommended, but it's grand satire. Running time, 9 mins. "G."*

"Going Places, No. 57"

(Universal)

A trip through Yellowstone National Park is provided in this fascinating short. The almost universal appeal which the park holds for tourists and would-be tourists should make this attractive to every type of patron. Graham McNamee does the narration. An unusually good travelogue. Running time, 9 mins. "G."*

"Frolicking Frogs"

(Paramount)

A Grantland Rice Sportlight which deals with trained frogs. A jumping frog contest at Angel Camp, Cal., made famous by Mark Twain, starts the reel. The locale is then changed to San Jose, where a group of performing frogs are trained. Although Ted Husing does his best to maks this one sound exciting, it is not up to par. Running time, 10 mins. "G."*

"Little Blue Blackbird"

(Universal)

Here is an amusing black and white cartoon subject which should please. When her three eggs are hatched, the mother blackbird finds one baby bird which has no feathers. After several efforts to learn flying, the newcomer gives up. However, when a hawk robs the nest and kidnaps his brother and sister, he dons some discarded feathers and effects a rescue. Running time, 7 mins. "G."*

"Baby Kittens"

(Universal)

In this Walter Lantz Cartune, three young kittens, with their eyes still unopened, mistake Big Dog for mother cat. Big Dog at first doesn't like the idea, but grows fond of kittens and decides to adopt them. Mother cat thinks a kidnap is afoot and rounds up some tough cats who show Big Dog who's boss. Mildly amusing Running time, 7 mins. "G."*

"Robbin' Good"

(Vitaphone)

A novelty number which should interest every age and type of patron. Luis Zingone, expert on various phases of gambling, illustrates dishonest methods employed. The scene is set in a courtroom where Zingone furnishes the necessary testimony to convict. Running time, 10 mins. "G."*

"The Night Watchman"

(Vitaphone)

In this well-paced Merrie Melody color cartoon, Tommy Cat, night watchman of the kitchen, becomes too ill to attend to his nocturnal duties and sends Tommy, Jr., to substitute. The mice take advantage of the little fellow and stage a raid. After several amusing scenes, Junior gathers his courage and repulses the invaders. Running time, 7 mins. "G."*

"The Daffy Doc"

(Vitaphone)

Daffy Duck and Porky Pig are on view in this "Looney Tune" cartoon. Daffy tries his hand at surgery, but is dismissed by the head surgeon. He discovers Porky, however, and drafts him as a patient. Porky's efforts to escape and the complications of the "iron lung" will earn a chuckle. Running time, 7 mins. "G."*

"Stardust"

(Vitaphone)

Eight variety acts introduced by Benny Davis, the song writer, are presented here. Several attractive dance numbers are included, among which is a specialty number by Rollo and Vernon Pickert who dance on stilts. Davis concludes by singing several of the outstanding song hits he has written. A good program filler but a trifle long. Running time, 22 mins. "G."*

"Hal Kemp and his Orchestra"

(Paramount)

Hal Kemp offers a swing session with the assistance of Saxie Dowell, Bob Allen and Judy Starr. Judy introduces her six-year-old daughter, Patsy, who also contributes a vocal number. Pleasant and enjoyable. Running time, 10 mins. "G."

**"G" denotes general audience classification.*

'Angels' Tops Phila. $18,000 Despite Storm

PHILADELPHIA, Dec. 6. — Despite heavy snow storms "Angels with Dirty Faces," backed by an ex[illegible]ve ad campaign, took $18,000 at the Fox and was held over. The stage-screen bill at the Earle drew $19,000. "Thanks for the Memory" was the film with the Jan Savitt band. "Cowboy and the Lady" got a first week gross of $11,500 at the Aldine.

Estimated takings for the week ending Dec. 1:

"Cowboy and the Lady" (U. A.)
ALDINE—(1,300) (40c-55c-65c-75c) 7 days. Gross: $11,500. (Average, $8,160)
"Man to Remember" (RKO)
ARCADIA—(600) (25c-40c-55c) 4 days. Gross: $900. (Average, 7 days, $2,800)
"If I Were King" (Para.)
BOLD—(2,400) (40c-55c-65c) 7 days, 2nd week. Gross: $9,000. (Average, $14,000)
"Thanks for the Memory" (Para.)
EARLE—(2,000) (25c-40c-55c) 6 days. Stage: Jan Savitt band, Eric Blore, Ethel Shutta. Gross: $19,000. (Average, $14,000)
"Angels With Dirty Faces" (Warners)
FOX—(3,000) (40c-55c-65c-75c) 7 days. Gross: $18,000. (Average, $14,000)
"Just Around the Corner" (20th-Fox)
KARLTON—(1,000) (25c-40c-55c) 7 days. Gross: $3,000. (Average, $4,000)
"Young in Heart" (U. A.)
KEITH'S—(2,000) (25c-40c-55c) 7 days. Gross: $3,500. (Average, $4,000)
"Submarine Patrol" (20th-Fox)
STANLEY—(3,700) (40c-55c-65c) 7 days. Gross: $10,000. (Average, $14,000)
"Illegal Traffic" (Para.)
STANTON—(1,700) (25c-40c-55c) 7 days. Gross: $4,000. (Average, $7,000)

'Suez' Montreal High at $12,000

MONTREAL, Dec. 6. — "Suez" captured the box-office lead for the week with a gross of $12,000 at the Capitol. It was held.

"A Man to Remember" and vaudeville brought $8,000 to Loew's, while second week of "If I were King" at the Palace grossed $6,000. Weather was mostly fair and cool.

Estimated takings for the week ending Dec. 3:

"SUEZ" (20th-Fox)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: $12,000. (Average, $9,500)
"A Man to Remember" (RKO)
LOEW'S—(2,800) (25c-40c-50c) 7 days. Stage: Three Sailors and vaudeville. Gross: $8,000. (Average, $8,000)
"The Young in Heart" (U. A.)
"Touchdown, Army" (Para.)
ORPHEUM—(919), (25c-35c-50c) 7 days. Gross: $2,500, 3rd week. (Average, $5,000)
"If I Were King" (Para.)
PALACE—(2,600) (25c-40c-55c-60c) 7 days. Gross: 6,000. 2nd week. (Average, $11,000)
'Dracula" (Univ.)
"Frankenstein" (Univ.)
PRINCESS—(2,272) (25c-35c-50c-65c) 7 days. Gross: $4,000. 2nd week. (Average, $7,000)

Jesse Fishman Dies

CLEVELAND, Dec. 6. — Jesse Fishman, Warner theatre district manager here, died of a heart attack en route to the hospital after being srticken at his office. He is survived by his wife and two daughters.

Eskin Takes 2 in Newark

NEWARK, Dec. 6. — American and Cameo have been acquired by Harold Eskin. The houses, formerly operated by Picture Playhouses, Inc., seat 980 and 966, respectively.

Program Not Full Solution, States Myers

(*Continued from page 1*)

conciliation and arbitration boards, and said that Allied had insisted in the practice meetings that rules and machinery for conciliation should be fully defined to insure "proper and fair administration." He cited the non-forcing clause as a case in point, stating that while the distributor is not allowed to force newsreels and trailers, his selling of them might conceivably lead to coercion without fair arbitration.

On the subject of organization, he noted three "enemies" in exhibitor ranks—leaders who are subsidized, leaders with too great a sense of so-called gratitude to distributors and scatter-brained leaders who grasped at any concession.

Sidney Samuelson, Morris Wax and David Yaffe also spoke.

Effective Date Uncertain

Effective date of the industry trade practice program remains as one of the vital matters yet to be determined before the program is placed in final form and approved by exhibitors. Likewise, some exhibitor effort to have provisions of the plan made retroactive to the current season's contracts which are now in force appears certain.

Preliminary drafts of the program which were dispatched to exhibitor representatives over last weekend specify that its provisions are not to become effective until the 1939-'40 buying season except in the cases of new contracts made prior to that time and in respect to the score charge elimination, which is to be made operative immediately upon ratification of the program. These drafts, however, prepared by the distributors' negotiating committee, are tentative and subject to the outcome of final discussions with the exhibitor representatives.

M.P.T.O.A. Wants Conciliation

M. P. T. O. A., which resumes its negotiations with the distributors' committee here tomorrow, is definitely committed, on instructions from its board of directors, to insist upon the program being placed in effect immediately upon its completion. The M. P. T. O. A. will also urge the inclusion of definite provisions for establishment of conciliation machinery in the program in addition to the plan's tentative provisions for settlement of trade disputes by voluntary arbitration. The preliminary draft of the program makes only a passing reference to conciliation as a method of handling trade practice complaints and makes no attempt to suggest means of setting up local conciliation boards in key cities.

Allied States' attitude on the effective date of the program may not be determined until the organization's board of directors acts on the program as a whole. This will not be until after the organization's negotiating committee has given final study to the distributors' preliminary draft and an analysis of it which is being sent to committee members by Abram F. Myers, Allied chairman. The next regular meeting of the Allied board is scheduled for Jan. 17 and 18.

Col. H. A. Cole, chairman of Allied's negotiating committee, may be prevented from taking an active part in any negotiations which may occur within the next few weeks. He underwent a gall bladder operation recently at Baylor Hospital, Dallas. Reached there yesterday, he said he did not expect the Allied committee to meet until after the holidays. He reiterated his earlier statement that the understanding which has been reached with the distributors is on general principles of the program only.

Allied T. O. of Iowa, an unaffiliated unit, will hold a series of district meetings in the next two weeks to present the draft to the directors and membership for action.

"Clowns" Tonight

"Here Come the Clowns," the story of vaudevillians transplanted to a metaphysical setting, by Philip Barry, opens tonight at the Booth. The cast includes Eddie Dowling, Madge Evans, Doris Dudley, Leo Chalzel, Russell Collins, Hortense Alden and others. Dowling is also producer, and Barry is reported to have furnished some of the financial backing. Robert Milton did the staging.

Butterfield Quits Pathe News Post

(*Continued from page 1*)

time. No other major changes are said to be contemplated.

The change is understood to have taken place a few weeks ago when Butterfield returned from extending the newsreel's facilities in Europe. Ullman at that time assumed editorial charge of the newsreel, but the impression was given that this was only temporary.

Butterfield is negotiating for a connection in the industry and may enter production, possibly in Hollywood. He is winding up at Pathe News.

He has been in the newsreel field since 1923. Prior to joining Pathe he was for four years editor in chief of Universal Newsreel during which time he inaugurated several shorts series. He also edited "Bring 'Em Back Alive" and was otherwise active in feature production.

Fight Wis. Bank Night

LA CROSSE, Wis., Dec. 6. — In a campaign in La Crosse County, officials removed Bank Night equipment from the Rivoli and Hollywood here and issued a warrant charging operation of a lottery against the La Crosse Theatres Co. and William Freise, operators and manager, respectively, of the former house.

Buys House in Conn.

SOUTHAMPTON, Conn., Dec. 6.—John W. Walsh of West Hartford has bought the Colonial Theatre property from Abraham Schuman and Joseph A. Davis, for a reported $100,000, including the 800-seat house, three stores, offices and apartments.

U. S. Strength in Chicago Case May Show Tomorrow

(*Continued from page 1*)

mount. There seem to be more film company lawyers on hand for this case than have been prevalent in these parts for many years. It is understood the Government is no less covered by numerous investigators besides U. S. attorneys.

More than 7,000 documents are sought by the Government for its information. Most of this information is similar to that which is being sought in the pending independent anti-trust suit against B. & K. and the majors.

The latter suit comes up for hearing again on Dec. 15.

Jean Hersholt to Be Santa Claus to 12,000

SAN FRANCISCO, Dec. 6.—Jean Hersholt, who plays "Dr. Christian" in the radio serial of the same name, will play Santa Claus at a Christmas Eve party in the Civic Auditorium, with 12,000 youngsters expected to attend. The show is sponsored jointly by the city and the *Call-Bulletin*, local newspaper. Arrangements are being made to broadcast.

Gets Role with Laughton

LONDON, Dec. 6.—Maureen O'Hara, an unknown player, has been cast opposite Charles Laughton in "Jamaica Inn."

Fairbanks May Produce at SI Coast Studios

(*Continued from page 1*)

who are supplying financing in association with Swiss banking interests. Initial capital will be $2,500,000.

The new producing organization will be known as Fairbanks International and if the negotiations with John Hay Whitney are consummated, "The Californian," which will be the first of three pictures it will distribute thorugh United Artists during 1939, will be made at the Culver City plant. Raoul Walsh may direct.

The other two pictures will be "The Tenth Woman," a Technicolor picture based on the life of Lord Byron, and "The Three Musketeers," also in Technicolor. They may be made either at Denham, Pinewood or in Continental Europe.

Marks will sail from England Saturday on the *Queen Mary* and Fairbanks will follow in about three weeks.

Sues M-G-M on "Ney"

CHARLOTTE, N. C., Dec. 6.—Copyright infringement suit has been filed in the Federal Court here by LeGette Blythe, author of "Marshall Ney: A Dual Life," against Loew's, Inc. and M-G-M, for alleged plagiarism of the book in the short film, "The Bravest of the Brave." Damages of not less than $250,000 are sought.

OPERA
Jaro Fabry
MISTER AVERAGE MAN ...AS FABRY FLATTERS HIM

But WALTER LIPPMANN doubts if he even is!

"I never met an average man. One hears about them only at a distance, but close to, no such person seems to exist."
—Walter Lippmann, Herald-Tribune Syndicate

Now Hollywood gives Mister Average Man the works—in a scandalously funny picture!

"THANKS FOR EVERYTHING"

(Released December 23rd)

Timed by 20th for big holiday business!

Wall St. Drawn By Phonograph Records Boom

(*Continued from page* 1)

the sound-on-track was not known or generally used. As it happened, the sound-on-track became the accepted form for talkers, and the disc was abandoned, and so Yates found himself with a button stamping factory and had to do something about it. That's when Yates bought Brunswick, paying something like a quarter of a million dollars for the business, but giving Warners a royalty on the old classical records. He also bought Columbia and Vocalion.

Five years ago the phonograph business was just about the worst business in the country. Anyway, it was among the worst. Today, every important radio set manufacturer is manufacturing phonographs in combination with radio sets. Undoubtedly today there are people who would not purchase a radio set without a phonograph attached. That's how the business has suddenly advanced.

Selectivity a Factor

Naturally, it got its impetus from several factors, one of which undoubtedly is low cost records. The principal firm manufacturing such records is Decca. Another angle concerned in this remarkable rebirth of an industry is the fact that people are satiated with radio, and by the phonograph they can obtain greater selectivity of music. If they want to hear Bing Crosby in "Sweet Leilani" all they have to do is bring out the record. On the radio they may have to wait days, weeks or months before they hear the song they want.

Decca itself todav, after five years, is said to be the manufacturer of the greatest number of records annually, manufacturing upwards of 12,000,000 records a year—1,000,000 monthly. And from these first few years of struggling through unusually large losses, the company is now profitable.

Decca Records, Inc., and its subsidiaries show a net income of $207,122 for the fiscal year ended Aug. 31, after all charges. The net in 1937 was $80,245.

NBC Network Adds 2 Stations in Havana

CMQ, Havana, and its complementary short-wave station, COCQ, have been added to the NBC network, effective immediately. With these additions, the number of NBC stations is brought to 166, of which the number of foreign stations is five.

CMQ operates with a power of 25,000 watts on 1,010 kilocycles. COCQ, covering Cuba, Central America and the northern portion of South America, has a power of 1,000 watts. Rates for CMQ will be $200 an hour. The rate includes all transmission facilities but does not include extra announcing or translating services.

Meanwhile, NBC will lose two stations currently affiliated with it, when, the coming spring, KOIL, Omaha, and WWNC, Asheville, N. C., leave to join another network, presumably CBS.

▸ *Radio Personals* ◂

MURIEL WILSON has just recovered from a two-week siege of grippe. . . . Six stations will be added to Guy Lombardo's CBS commercial this week. . . . Connie Boswell will appear as Tommy Dorsey's guest Dec. 14. . . . Aileen Soares has joined NBC's press department to handle religious publications. She was formerly with the Federal Council of Churches. . . . R. L. Ferguson, formerly with Weed & Co. and WOR and WINS here, has become general manager of WCLO in Janesville, Wis. . . . WHIO, Dayton, and WBIG, Greensboro, N. C., are the latest to join the World Transcription Network.

✦

John H. Mason has been transferred from WABC's technical division to become an assistant program director in the production department . . . Jean English, CBS studio engineer, has been transferred to Hollywood, effective Dec. 16 . . . Felix Knight has been renewed for 13 weeks on the Schaefer Revue . . . Bruce Boyce, Canadian baritone, has begun a series on WQXR of all classical programs . . . Jessica Dragonette will sing at the Diamond Jubilee of the Xavier Alumni Sodality at the Waldorf Dec. 11. Two days later Miss Dragonette sings at Clark University in Worcester, Mass. . . . Larry Menkin, writer-director, has signed with the William Morris office.

Says Radio Tubes Faulty in Canada

CALGARY, Dec. 6.—Charges that the life of radio tubes had been "deliberately shortened" after Canadian firms had complained that they "lasted too long" were made yesterday at the hearing being conducted by Trade and Industry Commissioner R. J. Gaunt. Don Kepler, service man, charged that there was "definite deterioration" of the product in 1934. He said that U. S. tubes were one per cent defective compared to 17 per cent in Canadian tubes.

First Commercial

Dorothy Gordon, who used to be heard in a children's series over CBS, has been signed by the Wheatena Corp. to replace Ford Rushe's program on Mutual. Miss Gordon will start her stint on Dec. 16, and will be heard Mondays, Wednesdays and Fridays from 5:45 to 6 P. M. It will mark her first commercial series, despite years in radio. Rohrabaugh & Gibson is the agency.

Funkhouser Counsel In FCC Air Quiz

WASHINGTON, Dec. 6.—Appointment of S. King Funkhouser of Roanoke, Va., as special counsel for the monopoly investigation was disclosed today by the F. C. C. Funkhouser has been engaged in general practice for many years and was at one time in the legal department of the National Recovery Administration.

The commission also announced the appointment of William Koplovitz, of St. Louis, to the position formerly held by William J. Dempsey, who becomes general counsel under the McNinch purge. Koplovitz has been acting general counsel for the Federal Power Commission and is one of a number of the staff taken from that body by McNinch, himself formerly head of the Power Commission.

Cable Cut, Charges Montreal Mayor

MONTREAL, Dec. 6.—Former Mayor Camillien Houde, whose radio campaign speech for reelection last night was interrupted by a breakoff, charges that a cable to the studios of CHLP from the meeting hall was cut. Technical officials at the studios and telephone repairmen insist, however, that the breakoff was purely an accident. Houde claims the cable was cut by political opponents to keep him off the air.

Dickson to Replace Eddy

Donald Dickson, according to reports, is to replace Nelson Eddy as the featured vocalist on the Chase and Sanborn show on Feb. 5.

The Newsreel Parade

Ending of the 60-year career of New York's 6th Ave. "L" captures the newsreel spotlight in the new issues, out yesterday. Notre Dame vs. U. S. C. climaxes the season's football games. The reels and their contents follow:

MOVIETONE NEWS, No. 25—Arabs rise in Palestine. Devil's Island in France. Dooming of 6th Ave. "L." Chamberlain and Lord Halifax sail for France. Egypt's King Faruk announces birth of first child. Franco pays homage to de Rivera. King Leopold visits Armsterdam. Kemal Ataturk buried in Turkey. Repair old toys for poor children. Costume ball in Akron. Lew Lehr. Navy boxing. U. S. C. beats Notre Dame.

NEWS OF THE DAY, No. 223—Convicts arrive at Devil's Island. Belgium King visits Amsterdam. Uprisings in Palestine. Utah school bus wrecked. "L" discontinues service. Rubber costume ball. Notre Dame upset. Navy championship matches. Ski season opens in Boston.

PARAMOUNT NEWS, No. 36—Society wedding. Spain bids farewell to volunteers. Turkey's Kemal Ataturk buried. Rumanian Royalty enjoys hunting. Freight train and school bus collide. Refugees construct community in Holland. Elevated railway closes. Winter sports show in Boston. Ice skating in California. Notre Dame loses.

RKO PATHE NEWS, No. 40—Homer Martin opposes Communism. Chamberlain and Lord Halifax en route to Paris. British soldiers maintain peace in Palestine. F.C.C. objects to Government censorship. Society ball in Akron. Indoor ski show. U. S. C. upsets Notre Dame. Jitterbug jamboree.

UNIVERSAL NEWSREEL, No. 725—"L" doomed. Bus and train crash in Utah. Chamberlain and Lord Halifax sail for Paris. Japanese settle in Hankow. Johnny Jones spans continent. First annual rubber ball. Colonel Price leaves China. Boston sports show. Football games.

Plea of CBS To Eden Wins Airing of Talk

By the intervention of Anthony Eden, to whom CBS made a personal appeal by ship-to-shore telephone [illegible]hat network has been able to obta[illegible]he right to broadcast part of the National Association of Manufacturers dinner, Friday, along with NBC and Mutual.

CBS was definitely out of the picture until the plea to Eden, aboard the *Aquitania* was made. It is understood that Eden, thereupon, cabled the N.A.M. to the effect that if his speech was to be broadcast, he thought it should be done impartially, by all.

When NBC and Mutual made their announcement on the N.A.M.-Eden broadcast, CBS was unable to make any statement, because NBC and Mutual apparently had obtained exclusive privilege on the broadcast.

The CBS part of the broadcast will be from 10:30 to 11 P. M., while NBC and Mutual will be on from 10-10:30 P. M. CBS can't go on with the Eden speech at 10 P. M. because "Grand Central Sketches," a regular Friday night commercial, interferes.

Dodgers Set Deal For Airing Games

Consummating a move which has been freely predicted in radio and sporting circles the last six months, the Brooklyn Dodgers baseball club yesterday, through its general manager Larry MacPhail, now in New Orleans, announced completion of a two-year deal for the airing of the club's home and road games under joint sponsorship of General Mills Co., and Socony Vacuum Co.

The action of the Dodgers abrogates a long standing agreement among the Yankees, Dodgers, and Giants clubs. It is considered a certainty now, in the light of the Brooklyn club's action, that the managements of the Yankee and Giant clubs also will sign agreements for commercial sponsorship of descriptions of their games.

It is understood that the Dodgers will be paid $1,000 a game by the co-sponsors, or about $77,000 for the season. It is not known which, if any, of the three major networks will broadcast the games, for the possibility still exists that a special network of independent stations may be formed for the games.

NBC to Help Salute New A. P. Building

Dedication of the new Associated Press Building will be saluted by NBC in a special program on the Blue network Christmas Day, from 1 to 2 P. M., with dramatizations of the leading stories of the past year, and as a special feature, dramatizations of highlight stories of the last century. Byron Price, executive news editor of AP, will speak.

Stories of the past century to be dramatized include the founding of the AP, assassination of Abraham Lincoln, Custer's last stand, sinking of the Maine, San Francisco earthquake, and the World War.

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 44. NO. 112 NEW YORK, THURSDAY, DECEMBER 8, 1938 TEN CENTS

One Big Union Plan of 4-A's Is Premature

Gillmore Says They Must Set House in Order

Efforts to go forward with plans for "one big union" for the Association of Actors and Artistes of America at the present time would be "premature," Frank Gillmore, president, declared after an executive board meeting yesterday. The meeting was called principally to allow Kenneth Thomson, executive secretary of Screen Actors' Guild, to meet with other 4-A representatives for the mutual exchange of information.

"We must first set our present house in order," Gillmore pointed out, "before going forward with plans for consolidation. The present organization plans of the American Federation of Radio Artists, and the American Guild of Musical Artists are occupying our full attention at the present time."

Principal stumbling block still remains the loss of dues in the event of

(*Continued on page* 8)

Epes Sargent Dies; Won Note as Critic

Epes Winthrop Sargent, 66, veteran chronicler of theatrical news, died Tuesday night at midnight at his home, 1466 East Ninth St., Brooklyn. According to a letter of funeral instructions he left for his wife the funeral services, which will take place at the Sargent home Friday night, will consist of the Masonic rites, a simple prayer and cremation.

Sargent began his career in the theatre as an usher in Pat Harris' Washington Bijou. His first job in New

(*Continued on page* 8)

Mamlok Files Suit Against "Mamlock"

Suit was filed yesterday in the N. Y. Supreme Court by Hans J. Mamlok against Amkino Corp., Levrad Amusement Co., Inc., Charles S. Levin, Benjamin I. Radin, Cameo Theatre Co., Inc., Leninfilm and Friedrich Wolf.

The suit asks $100,000 and an injunction restraining exhibition of the picture, "Professor Mamlock." The plaintiff claims violation of Section 51 of the Civil Rights Law in that his name is used in the picture and states that for 25 years he was a professor in Berlin and a dental authority.

Chase Disposes of 50,200 20th-Fox Shares in October

WASHINGTON, Dec. 7.—Disposition in October of 50,200 shares of 20th Century-Fox common stock by the Chase National Bank in a series of transactions extending throughout the month was reported today by the Securities and Exchange Commission in its monthly summary. As a result of the sales, the volume of the stock still held by the bank was reduced to 287,158 shares.

The Chase National Bank also disposed of 10,000 shares of the film company's $1.50 cumulative preferred stock, reducing its holdings to 671,916 shares. Other transactions in 20th Century-Fox stocks included the acquisition of 100 shares of common by Sidney R. Kent, bringing his holdings to 3,455 shares, and disposition of 10,000 shares of common by Darryl F. Zanuck, reducing his holdings to 132,130 shares. The report showed

(*Continued on page* 8)

Extension of Rome Decree Given to Only 4 Companies

ROME, Dec. 7.—First official extension of the effective date of the Italian film monopoly decree from Dec. 31 to June 30 has been proffered to the distribution agents here of United Artists, RKO, Universal and Columbia, only.

Under the terms of the extension, these Italian agents either must adhere to the E. N. I. C. monopoly regulations at the end of the six months or liquidate their distributing organizations. Under this procedure, such distributors eventually would have to sever their connections with the four American companies which they now represent, join the state monopoly and handle whatever films E. N. I. C. gives them to distribute.

(*Continued on page* 6)

GOVERNMENT PAT ON DIVORCEMENT

20th-Fox Handling GB Sales, Booking In United States

Under plans now being discussed, 20th Century-Fox may take over the handling of all Gaumont British business, in America. This appears to be in line with the policy of the 20th Century-Fox firm to extend its cooperation and aid to the British company. The move, which is being talked of, is in the interest of G.B. economy, and assures the continued distribution of G.B. films, over here.

By this prospective undertaking, G.B. product will not only be booked by 20th Century-Fox but 20th Century-Fox also will distribute and handle the sales of G.B. films, here.

Physical distribution and booking of G.B. films already is handled through 20th Century-Fox, so that the handling of the sales end additionally will not prove complex.

At the same time, the move will link the two firms more closely.

There will be several G.B. films released through 20th Century-Fox, under the new plans.

'Pygmalion' Benefit Attracts Notables

Society notables and industry leaders mingled with personalities of the show world at the brilliant opening of "Pygmalion" at the Astor last night.

The premiere was one of the most impressive outpourings of distinguished citizenry. They came in response to the appeal of Nicholas M.

(*Continued on page* 6)

Is a Star's Publicity Overtime? Coast Asks

HOLLYWOOD, Dec. 7.—Effect of the new 48-hour-week players' contract on publicity operations was discussed at a meeting today of studio publicity directors and Screen Actors Guild. Procedures were outlined for handling interviews, still poses, personal appearances and other publicity activities within the limits of the new work week.

Radio—Page 9

Trade Program Without Divorcement Held No Compromise

WASHINGTON, Dec. 7.—There must be divorcement of production from exhibition. This is the government attitude. It is inflexible.

Also it was indicated that the trade practice reform program will not be considered in connection with the anti-trust suit, except were it also to include divorcement. It has been pointed out that the department considers the trade practice program purely intra-industry and that it is a move which has not yet been given approval of all the interests in the industry.

Officials of the Department of Justice have looked over the trade practice draft, but otherwise will not give it official notice, since it will have no bearing on the anti-trust suit in New York. It was admitted that the trade practice program was sent to Washington without any intimation that it was a compromise effort in any sense on the suit by the defendants.

Final Action in Six Weeks?

Final agreement on an industry trade practice program may not be had until late in January, at the earliest, and, in the meantime, vital changes in the tentative draft prepared by the distributors' negotiating committee which is now being studied by exhibitor organizations, are almost certain to be made.

Ed Kuykendall, M.P.T.O.A. president, made known yesterday that final

(*Continued on page* 8)

WPA May Drop Play Satirizing Industry

Chicago, Dec. 7.—John McGee, director of the Federal Theatre for the Midwest has resigned to engage in a private enterprise. McGee, co-author of "Horse-Opera" was a leading factor in the plans of the local group to produce the play which was to have been a satirical "expose" of Hollywood and the film industry.

Plans for the production, which was to have been ready for the public by February, may be dropped as far as the Federal Theatre is concerned, as it does not own the play, it is reported.

◂ Purely Personal ▸

JOSEPH BERNHARD, general manager of Warner Theatres, left last night for Cleveland, where he will address the Ohio zone men today. HARRY GOLDBERG, circuit advertising manager, accompanied him.

•

DR. HERBERT T. KALMUS is back in New York from the coast and plans to sail for England Dec. 17 after a meeting of the company's board next week.

•

ED KUYKENDALL, M.P.T.O.A. president, will leave New York tomorrow evening for Memphis. He goes to his home at Columbus, Miss., from there.

•

HAL SHERIDAN, manager of Tri-States' Paramount in Cedar Rapids, Ia., sponsored the couple who won locally in the "Great Waltz" contest.

•

GABRIEL PASCAL, producer of "Pygmalion," is sailing for New York on the *Queen Mary*, scheduled to arrive here Dec. 15.

•

ED SCHNITZER, Warners' eastern district manager, is due back the end of this week after a brief stay at the Buffalo branch.

•

WALTER READE, JR. of Walter Reade Theatres is expected to return tomorrow or Saturday after a tour of upstate theatres.

•

SAM GOLDSTEIN of Guaranteed Pictures returns tomorrow on the *Washington* from a two-month business trip to Europe.

•

HERBERT WILCOX and ANNA NEAGLE will arrive in New York from the coast tomorrow en route back to London.

•

W. G. VAN SCHMUS, managing director of the Music Hall, is due back from the coast tomorrow.

•

NORMAN Z. MCLEOD has arrived in New York from the coast for a short vacation.

•

LEO SPITZ, RKO special counsel, left New York for Chicago yesterday.

FASTEST AIR SERVICE TO LOS ANGELES!

OVERNIGHT VIA SKYSLEEPER

● Board TWA's "Sky Chief" in Newark at 5:10 p.m...you're on the Coast 8:24 a.m., after a sound night's sleep in a luxurious berth. All Skysleepers with separate lounge and sleeping compartments.

TRANSCONTINENTAL & WESTERN AIR, INC.

TWA

PHONE MU 6-1640

70 E. 42nd St., New York. Or Air Travel Desk, Lobby, Penn. Station—any hotel, telegraph office or travel bureau.

THE ROUTE OVER THE Sunny Santa Fe Trail

Insiders' Outlook

DUE to the apprehension of officials of the Department of Justice that the public will mistake the delays caused by tactical moves of the major companies, defendants in the pending anti-trust suit, as the government's unwillingness to prosecute an important industry, may compel the Government to ask the courts to crack down on the defendants and help bring the case to an early trial in January.

This reaction in the Department of Justice has not been lessened by Samuel Goldwyn's employment of James Roosevelt, even though the Goldwyn company is not a part of the suit.

It is the feeling within the department that the companies are deliberately employing dilatory tactics to put off the suit.

It has been made clear that the department wants the suit to go to trial in January and will not willingly agree to any further delay. Officials of the department feel that the defendants are "stalling." The latter were given a 90-day extension on top of 30 days which had been provided for filing answers to the Government's complaint, and then they set up three different bills of particulars, each with many items. All that the department has asked for is 10 days to go through the mass of files and prepare a response. But the companies sought another 60 days to prepare their answers.

▼ ▼

Independents also have been quietly conferring with Department of Justice officials, in Washington, on anti-trust matters. Most recent theatre nabobs to visit the Capital for this purpose have been Harry Brandt and his attorney, Milton Weisman. They visited with Paul Williams, assistant U. S. Attorney General.

▼ ▼

"I need hardly say how much I sympathize with the present bitter plight of the German refugees for whom the proceeds of this premiere, ('Pygmalion') are being devoted."

These are the words of George Bernard Shaw, cabled to Nicholas N. Schenck, president of Loew's.

▼ ▼

Staging of Max Cohen's N. Y. Allied unit's convention in Buffalo early this week is viewed in the trade as the opening sally in a campaign to win members upstate from the M. P. T. O. of Western New York, an M. P. T. O. A. affiliate which is one of the oldest exhibitor organizations in existence.

Cohen's unit has made no noticeable impression on exhibitor ranks in the Buffalo area, the stronghold of the M. P. T. O. organization, since Allied came into New York. Trade sees the Allied Buffalo convention as setting the stage for Cohen's attempted invasion of the area: if the Buffalo exhibitors won't come to Allied, he'll bring Allied to them.

E. Thornton Kelly, secretary of the unit, is continuing a membership drive upstate and expects to remain in the Buffalo area until Christmas. The unit claims to have lined up about 70 upstate members in recent weeks.

▼ ▼

United Artists, no doubt, soon will indicate whether there has been any change in the position of Charles Leonard, studio advertising contact. Leonard came to United Artists from Universal, serving both well.

Loew's Suit Delays Directors' Meeting

Scheduled meeting of the Loew directors yesterday was postponed indefinitely because of the attendance of company officials at the Loew minority stockholder suit under way in the N. Y. Supreme Court.

Bernard Reis, accountant, continued his testimony at the trial yesterday. He described a contract made between the Allied Owners and Paramount Famous Players Lasky under which three theatres were to be erected in Brooklyn for Loew's. At completion, the contract provided, Loew's was to have the the option of either paying $9,000,000 in cash or $14,000,000 over a period of 15 years and that Loew's exercised the latter option.

Trial was adjourned at noon yesterday and Sidney R. Kent, 20th Century-Fox president, will take the stand on behalf of the defendants today.

British Trade May Reduce Clearance

LONDON, Dec. 7.—Regulation of "unfair" clearance schedules loomed as a possibility when both the Cinematograph Exhibitors Association and the Kinematograph Renters Society agreed at a joint meeting today that overlong clearance is harmful to both exhibitor and distributor.

K. R. S. promised it would give consideration to means of correcting clearance abuses but warned that effective action depended upon complete unanimity of exhibitors and distributors. Kenneth Nyman, C.E.A. president, challenged the distributors as to whether or not they had the "courage and ability" necessary to impose sanctions against the major circuits. The Films Council has asked the C. E. A. to consider supplying it with statistical information for its guidance in proceeding further in the matter.

Para. Board Votes Quarter Dividends

Usual quarterly dividend of $1.50 per share on Paramount first preferred stock and 15 cents per share on the second preferred was voted by the company's board of directors yesterday. Dividends are payable Dec. 24 to holders of record on Dec. 16.

Directors' meeting lasted only [illegible] minutes, one of the briefest held at Paramount for months. Adolph Zukor, board chairman, and E. V. Richards of New Orleans, whose appearances at board meetings have been infrequent, attended the session yesterday.

20th Cent.-Fox Group Heads West Today

Division Managers William Sussman, William J. Kupper and W. C. Gehring, head the 20th Century-Fox home office delegation leave today for studio meetings next week.

Attending the sessions, in addition to distribution executives, will be Darryl F. Zanuck, Joseph M. Schenck, William Goetz and Sol Wurtzel. S. R. Kent, president, leaves tomorrow. Herman Wobber, general sales manager, is already on the coast.

Others in the New York delegation will be J. P. O'Loghlin, Kent drive leader; William J. Clark, Jack Sichelman, Martin J. Moskowitz, Jack Bloom, Charles E. McCarthy, Roger Ferri, Harry H. Buxbaum, Joseph J. Lee. District Managers Edgar Moss of Philadelphia and Tom H. Bailey, of Boston, also leave from here.

George A. Roberts, district head at Cleveland, will join the party en route, as will District Managers Harry C. Ballance, Morton A. Levy, Clyde W. Eckhardt and Ward E. Scott.

Delay Marquee Hearing

Hearing before the Mayor on the Keegan bill to fix the size of marquees at nine feet instead of two was adjourned indefinitely yesterday. Instead, the Board of Estimate will act on the bill this morning at 10:30. Film representatives, who were present yesterday, may request a hearing at the Board's meeting today.

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

THE BOYS HAVE A LOT TO CELEBRATE!

Four Daughters

The Sisters

Brother Rat

Angels with Dirty Faces

(In Technicolor!)

Heart of the North

The Dawn Patrol

(For Xmas!)

. . SO THEY'RE ALL

GOING PLACES

NEW YEAR'S EVE!

C'mon Along! ➡

A GRAND SHOW FOR ANY DATE
-- DOUBLY GRAND FOR THAT HAPPY NEW YEAR'S SPOT!

JANUARY
1

Warner Bros.'

GOING PLACES

A Cosmopolitan Production With a Big
Cosmopolitan Newspaper Campaign!

Starring

DICK POWELL
ANITA LOUISE
RONALD REAGAN

Allen Jenkins · Walter Catlett
Harold Huber

1939's Big Swing Scoop!
LOUIS (Satchelmouth) **ARMSTRONG**
MAXINE (Loch Lomond) **SULLIVAN**

●

Directed by RAY ENRIGHT
Screen Play by Sig Herzig, Jerry Wald and Maurice Leo • Based Upon the Play, "The Hottentot" by Victor Mapes and William Collier, Sr. • A First Nat'l Picture

Songs——of the Best! (By the writers of 'Girl Friend of the Whirling Dervish', Warren and Mercer) *'Say It With a Kiss' 'Jeepers Creepers' • 'Mutiny in the Nursery'*

'Angels' L. A. Take $29,000 In Two Houses

Los Angeles, Dec. 7.—"Angels With Dirty Faces" led the town with $16,500 at the Warner Downtown and $12,500 at the Warner Hollywood, for a total of $29,000. "Citadel" was strong at the 4 Star with $5,539.

"That Certain Age" and "Swing That Cheer" took $8,300 at the Hillstreet and $7,400 at the Pantages.

Estimated takings for the week ending Dec. 7:

"The Young in Heart" (U.A.)
"Always in Trouble" (20th-Fox)
CHINESE—(2,500) (30c-75c) 7 days. Gross: $10,694. (Average, $12,500)

"Citadel" (M-G-M)
4 STAR—(900) (40c-55c) 7 days, 3rd week. Gross: $5,539. (Average, $3,250)

"That Certain Age" (Univ.)
"Swing That Cheer" (Univ.)
HILLSTREET—(2,700) (30c-65c) 7 days, 2nd week. Gross: $8,300. (Average, $6,500)

"The Young in Heart" (U.A.)
"Always in Trouble" (20th-Fox)
LOEW'S STATE—(2,500) (30c-75c) 7 days. Gross: $12,393. (Average, $14,000)

"That Certain Age" (Univ.)
"Swing That Cheer" (Univ.)
PANTAGES—(3,000) (30c-65c) 7 days, 2nd week. Gross: $7,400. (Average, $7,000)

"Dark Rapture" (Univ.)
PARAMOUNT—(3,595) (30c-65c) 7 days. Stage: F. & M. revue, Rube Wolf and his orchestra. Gross: $13,000. (Average, $18,000)

"Angels With Dirty Faces" (F.N.)
WARNER BROS. (HOLLYWOOD) — (3,000) (30c-65c) 7 days, 2nd week. Gross: $12,500. (Average, $14,000)

"Angels With Dirty Faces" (F.N.)
WARNER BROS. (DOWNTOWN) — (3,400) (30c-65c) 7 days, 2nd week. Gross: $16,500. (Average, $12,000)

'King' Dual With 'Memory' Detroit Best at $14,000

Detroit, Dec. 7.—The Michigan, with "If I Were King" and "Thanks for the Memory," took $14,000. "Just Around the Corner" at the Fox, plus a stage show, did $20,000. The United Artists, featuring "Out West with the Hardys," took $10,000.

Estimated takings for the week ending Dec. 2:

"You Can't Take It With You" (Col.)
ADAMS—(1,700) (15c-40c) 7 days. Gross: $4,000. Average, $5,000)

"Just Around the Corner" (20th-Fox)
FOX—(5,000) (20c-65c) 7 days. Stage: Horace Heidt, Happy Joe Gentile, Toby David and Jeannie Gustaf. Gross: $20,000. (Average, $20,000)

"If I Were King" (Para.)
"Thanks for the Memory" (Para.)
MICHIGAN—(4,000) (20c-65c) 8 days. Gross: $14,000. (Average, $10,000)

"Girls on Probation" (W. B.)
"In Old Mexico" (Para.)
PALMS-STATE—(3,000) (15c-50c) 7 days. Gross: $5,000. (Average, $5,000)

"Out West with the Hardys" (M-G-M)
UNITED ARTISTS—(2,000) (20c-50c) 8 days. Gross: $10,000. (Average, $10,000)

Mooney Names McManus

Cleveland, Dec. 7.—Milton A. Mooney, head of Cooperative Theatres of Ohio, has appointed H. E. McManus as one of his bookers. Sidney Cohen is the other booker. McManus was formerly manager of the Allen, Akron, where he has been succeeded by E. E. Blanc.

Hollywood Preview

"His Exciting Night"

(Universal)

Hollywood, Dec. 7.—Risible comedy, with three top-notch funmakers, Charlie Ruggles, Maxie Rosenbloom and Stepin Fetchit, is the essence of "His Exciting Night." In addition to providing lots of amusement for average audiences, the show provides exhibitors with a wealth of exploitation material.

All that happens is the result of a prank, partly serious but generally hilarious in conception, played on a groom on his wedding night. Terrorized by his boss, Richard Lane, Ruggles dreads more his prospective aunt-in-law Georgia Caine. He is easy prey for a stunt that will leave him alone with his bride, Ona Munson, on their marriage night. But the plan goes awry when he and Marion Martin, a blonde who has been hired to show him up as a philanderer, are kidnapped by taxi driver Benny Baker. The pair escape a near tragedy only to be confronted with one more menacing when Rosenbloom, a dumb strong man, who doesn't quite understand what its all about, comes looking for his wife, Miss Martin. The situations established are amusingly developed as Ruggles gets out of his predicament after the manner of a timid lamb turned roaring lion.

Based on a story by Katherine Kavanaugh, the screen play prepared by Pat C. Flick, Edward Eliscu and Morton Grant is deft. Gus Meins directed. It should serve well where laughter is appreciated.

Running time, 55 minutes. "G."* G. McC.

"El Trovador de la Radio"
("The Radio Troubador")

(Paramount)

Hollywood, Dec. 7.—Second of Paramount's all-Spanish productions starring Tito Guizar and first to be produced by Dario Faralla, "El Trovador de la Radio" can be ranked among the best to come from Hollywood in this particular field. A musical melodrama, it strikes a bull's eye in the market at which it is aimed—the ever-widening Spanish mart.

It introduces as a leading lady Robina Duarte, erstwhile night club singer, who with Guizar, is supported by Tana, Paul Ellis, Paco Moreno, Barry Norton, Carlos Villarias, Lucio Villegas, Martin Garralaga, Jose Pena Pepet, Sarita Wooton, Luz Segovia, Mario Borello, Helen Martinez, Rosita Granada, and El Charro and his Caporales. Richard Harlan directed the picture and on the basis of this, was signed to direct the following three. The screenplay was written by Arthur Vernon Jones with Spanish dialogue by Gabriel Navarro. It was based on a story by Bernard Luber and Nenette Noriega.

Guizar sings five songs written by himself, Nenette Noriega and Rafael Gama.

Guizar, a radio singer, has his love for a nurse frustrated by his thieving secretary. Confronted with her pilfering, the secretary poisons Guizar, causing him to lose his voice. In the strain of emotional excitement caused by the denouement, he regains it.

Running time, 60 minutes. "G."* Vance King

"The Last Warning"

(Universal)

Hollywood, Dec. 7.—Good characterizations, glib dialogue, provocative situations, and all the mystery that anyone could desire establish "The Last Warning" as one of the best of the "Crime Club" series. It's a comedy crime melodrama that challenges solution.

With Preston Foster and Frank Jenks featured as a pair of playboy detectives who would rather pay attention to the girls than the job for which they were hired, as the focal points of interest, Joyce Compton, Kay Linaker, E. E. Clive, turn in support performances that seldom permit attention to go wandering off onto other subjects.

A mysterious character, "The Eye," threatens socialite Parker and his sister, Miss Robinson. Foster and his stooge, Jenks, are called in to see what they can do about ferreting out the menace. But there are a lot of bathing-suit clad girls, especially Miss Compton and Miss Linaker hanging around the swank mansion. Meanwhile, couple of murders are committed, Miss Linaker is mysteriously slain, and Miss Robinson kidnapped. But, giddy as Foster is, he is not so dumb and nabs the real criminal.

The picture is based on Jonathan Latimer's "Crime Club" novel "The Dead Don't Care." The screenplay was by Edmund L. Hartman and Al Roger directed.

Running time, 62 minutes. "G."* G. McC.

"G" denotes general classification.

'Angels' High In Loop with $41,000 Take

Chicago, Dec. 7.—"Angels With Dirty Faces" made a clean sweep in the Loop, grossing an excellent $41,000 and holding at the Chicago.

"Just Around the Corner" gave the Apollo a neat $6,800. "Road to Reno" scored $16,500 at the Oriental. Business elsewhere was just fair.

The weather was unsettled most of the week and rather cold.

Estimated takings for the week ending Nov. 29-Dec. 3:

"Around the Corner" (20th-Fox)
APOLLO—(1,400) (35c-55c-65c) 7 days. Gross: $6,800. (Average, $6,500)

"Angels With Dirty Faces" (W. B.)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Clyde Lucas and Band. Gross: $41,000. (Average, $32,000)

"Men With Wings" (Para.)
GARRICK—(900) (30c-40c-50c) 7 days. Gross: $5,000. (Average, $6,500)

"Road to Reno" (Univ.)
ORIENTAL—(3,400) (25c-30c-40c) 7 days. Stage: Vaudeville Revue. Gross: $16,500. (Average, $13,000)

"Hard to Get" (W. B.)
PALACE—(2,500) (35c-55c-75c) 7 days. Stage: Dizzy Dean and Revue. Gross: $18,000. (Average, $19,000)

"Submarine Patron" (20th-Fox)
ROOSEVELT—(1,300) (35c-55c-75c) 7 days, 2nd week. Gross: $9,500. (Average, $11,000)

"Great Waltz" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days, 2nd week. Gross: $13,000. (Average, $15,000)

'Great Waltz' at $17,000 Leads the Way in Washington

Washington, Dec. 7.—"The Great Waltz" at Loew's Palace was the local leader with a gross of $17,000. "Angels With Dirty Faces" was not far behind at $21,000 at Warners' Earle.

Most of the other downtown attractions failed to show a profit.

Estimated takings for the week ending Dec. 1:

"There Goes My Heart" (U.A.)
LOEW'S CAPITOL—(3,434) (25c-65c) 7 days. Stage: Romo Vincent, Buck O'Neill. Gross: $15,000. (Average, $16,500)

"Just Around the Corner" (20th-Fox)
LOEW'S COLUMBIA—(1,243) (25c-40c) 7 days. Gross: $3,000. (Average, $4,200)

"The Great Waltz" (M-G-M)
LOEW'S PALACE—(2,370) (25c-55c) 7 days. Gross: $17,000. (Average, $11,500)

"Peck's Bad Boy" (RKO-Radio)
RKO-KEITH'S—(1,836) (25c-40c) 7 days. Gross: $7,500. (Average, $10,000)

"Angels With Dirty Faces" (W.B.)
WARNERS' EARLE—(2,218) (25c-66c) 7 days. Stage: Patricia Norman, Earle Roxyettes. Gross: $21,000. (Average, $16,000)

"Girls' School" (Col.)
WARNERS' METROPOLITAN — (1,591) (25c-40c) 7 days. Gross: $4,000. (Average, $4,000)

Film Council Formed

Denver, Dec. 7.—Motion Picture Council of Denver, organized with Campton Bell as president, plans to recommend better films to member bodies, among which are the Parent-Teacher Association, Denver Women's Press Club, National Council of Jewish Women, National Council of Catholic Women and the Denver Council of Church Women.

'Pygmalion' Draws Many Notables to Benefit Opening

(*Continued from page* 1)

Schenck, president of M-G-M, who sponsored the special showing for German refugee relief.

Those attending, in lieu of paying for the tickets, were invited to contribute voluntarily, the proceeds going to succor the victims of the Nazis. The response was generous.

Among those listed as attending were Theodore Roosevelt, Jr., Walter Damrosch, Herbert Bayard Swope, Alice Duer Miller, E. B. Hatrick, Ira Nelson Morris, Grover Whalen, Stanley Rinehart, Noel Coward, Harry F. Guggenheim, Sidney Howard, Guthrie McClintic, Robert E. Sherwood, George S. Kaufman, Max Gordon, Katharine Brush, Moss Hart, Richard Rodgers, Lee Simonson, Arthur Schwartz, Clifton Webb, George Abbott, Lee Shubert, Pauul Block, Sam H. Harris, Milton Diamond, Lorenz Hart, Leopold Friedman, Oscar A. Doob, Nicholas M. Schenck, Richard Jaeckel, Arlina Clayburgh, J. S. Myrick, David Blum, Mrs. Alfred P. Parker, Judge I. Frey, Fred A. Muschenheim, Byron C. Foy, Major Edward Bowes, Martin Beck, William R. Ferguson, Si Seadler, Maurice Newton, C. C. Moskowitz, Clarence Dillon, Morton A. Spring, William B. Murray, Raymond Ives, John E. Otterson, H. Content, Edward M. Warburg, Sherman M. Fairchild.

British Censors Bow To Pressure, Charge

LONDON, Dec. 7.—Subject of film censorship was revived by Parliament again today with the allegation being made that the conservative Central Office is not disinterested in the matter of restriction of some screen material. The protest was raised that censorship is consistently used against the opposition.

The board of censors came in for criticism as an unofficial body of allegedly moral guardians but not above acting politically. The recent Paramount Newsreel incident, various March of Time reels, the Indian mutiny picture and many sequences criticizing Fascism and Naziism were cited among the material cut or altered allegedly as a result of Government pressure.

Some spokesmen countered that the film trade had only itself to blame for bowing to dictation in political matters, and deplored the lack of a "Hays organization" here. The withdrawal of the Paramount reel was cited as "a great service to peace," however.

Sir Samuel Hoare, Home Secretary, replying to the charges, categorically denied allegations of Government influence in censorship, again admitting, however, that the Government had called Ambassador Joseph P. Kennedy's attention to the Paramount film which was shown on the most critical day of the recent crisis.

"WHERE'S MAMA?"
MISTER AVERAGE MAN . . . AS FLAGG TAGS HIM
James Montgomery Flagg

Columnist SOBOL sizes him up so:

"The Average Man . . . has never had his name in the papers . . . never been stopped by a cop . . . or been wooed by a lady not his wife."
—LOUIS SOBOL, N. Y. Journal American

So new in slant you can't compare it . . . more chuckle-full than champagne has bubbles!

"THANKS FOR EVERYTHING"

(Released Dec. 23rd)

Designed for laughing when happiness is in the air!

RKO Up Tomorrow

Federal Judge William Bondy has set tomorrow as the date for a hearing in the RKO reorganization proceedings. Minority stockholders will be required to show cause why physical presentation of stock certificates should not be waived in connection with the filing of consents. The hearing will be held at 5 P.M. in Judge Bondy's chambers.

'Hardys' Loew's Holiday Booking

Loew's circuit in the metropolitan area has set up its holiday bookings so that "Out West with the Hardys" will play "across the board" without the normal clearance between runs.

The picture starts at the Capitol today. On Dec. 22 it will go into the first group of Loew houses and a week later into the second, stretching over the Christmas and New Year's dates. For normal purposes, the circuit is divided into four or five different runs with clearance of one to two weeks between.

Loew's, however, claims that a similar booking method is adopted for other pictures, depending on what is available for the circuit. Thus, "The Great Waltz," which closed last night at the Capitol, goes into all Loew first runs, except the Metropolitan in Brooklyn, on Dec. 15. This is a week's wait instead of the usual two weeks.

G. N. Withdrawal of Common Is Approved

WASHINGTON, Dec. 7.—Withdrawal of Grand National registration for its $1 par common stock, effective at the close of trading Dec. 9 was granted today by the Securities and Exchange Commission.

Commission explained that the action was sought for the reason, among other things, that the company is a debtor in procedings under 77-B; has ceased to exist except as corporate shell, and trading in its common stock on the New York Curb Exchange has been very slight.

Patricia Ellis at Ampa

Patricia Ellis of the cast of "Frankie," which is shooting at Astoria, is scheduled to appear at the Ampa luncheon at the Astor today. William K. Howard, producer of the film, will speak. John Walker, the film's production manager, also will be present.

Open "Winds" in Phila.

"Trade Winds" will have its world premiere at the Aldine, Philadelphia, Dec. 15. Fredric March, star of the picture, and Tay Garnett, producer-director, will go to Philadelphia to attend a press luncheon in advance of the opening.

Cohen Joins Warners

Ben Cohen, formerly with United Artists and Paramount, has joined Mort Blumenstock's eastern advertising and publicity department at Warners.

Rome Grants Extension to Only 4 Firms

(*Continued from page* 1)

This course would be necessary in order for them to remain in busine[illegible] in Italy and, in the meantime, to co[illegible]tinue their distribution of the American films which they have on hand now.

No official indication has been given as to whether or not the extension will be made applicable to Loew's, Paramount, 20th Century-Fox and Warners on the same or comparable basis. Meanwhile, however, those companies have not rescinded their orders for liquidation of their branches here by Dec. 31.

Home office foreign departments were without official information yesterday on the granting of a six-month period of grace to the Italian representatives of Columbia, United Artists, Universal and RKO. They have been advised, however, that details of the Italian Government's proposal is being forwarded to their Continental managers in Paris and will be cabled to New York from there. Lacking official advices, none of the four companies would state whether or not they would consider remaining in business in Italy after Dec. 31 under the indicated circumstances.

General industry opinion, however, is that the move by Rome is probably a strategical maneuver to break the solid opposition of the American companies to the projected film monopoly in Italy, by encouraging the four companies to continue in the hope that the other four will be forced to do so by competitive factors. No indication of such a break resulting from the development was in evidence here yesterday, however.

Industry spokesmen also pointed out that if the cabled advices from Rome are correct, the procedure being followed by Italy is flagrantly discriminatory against the four companies which operate their own distribution systems in Italy. These spokesmen point out that the Italian subsidiaries of Loew's, Paramount, 20th Century-Fox and Warners are Italian companies, organized and operated under Italian laws, and that discriminatory measures against them eventually might warrant the attention of the Italian courts and the American State Department.

All such observations, however, were made on the supposition, as yet unverified, that the time extension is not intended to apply to all companies.

The Real Thing

Oklahoma City, Dec. 7.—Guns blazed on the screen as Bill Boyd put the finishing touches to the villains in "Borderland."

Then pieces of plaster began falling on the audience.

Manager Johnny Ryan of the Joy assured his patrons it was not gunfire but a 13-year-old boy who had been stamping on the roof.

You've Never Seen Anything Like This!

Here is something sensationally new in motion picture theatre showmanship. Here is a plan that offers continuous, ever increasing patronage for your theatre at an unbelievably low cost. Proved principles applied to a new and revolutionary plan of selling seats at your theatre.

WHAT'S IT ALL ABOUT

A nation-wide radio program—a coast-to-coast club of hundreds of thousands of enthusiastic members—a raging hobby that is gaining momentum by leaps and bounds. Three great sources of untold power, harnessed to a driving force that herds the crowds of paying patrons into your theatre. This is the first time that such a forceful method of seat-selling has ever been applied to YOUR theatre.

YOUR OWN RADIO SHOW

A gigantic campaign that will include sensational broadcasts over important coast-to-coast radio stations. Millions of your potential patrons will be within the range of these broadcasts that will cover the Nation. Every one of these programs will be, in effect, your own radio show, building up business at your box office.

These broadcasts will present dramatically and entertainingly the activities of the Bob Gale Stamp Club and the new Motion Picture Stamps to be issued weekly by the club. These beautiful stamps, unlike any ever issued before, are not pictures of screen stars, but actual, striking scenes from important motion pictures. And these stamps can not be bought . . . from us or any one else; they can not be obtained for coupons or box tops. The only way any one can get these stamps (eight new stamps each week) is by going to YOUR THEATRE for them.

You can't miss if you tie up your theatre with this revolutionary idea—now is the time to act—allocations are being made in order of application—Write, Wire or 'Phone today for full particulars.

THOUSANDS OF LETTERS WEEKLY

A most gratifying response has poured in from the very first broadcast. Hundreds of letters arriving daily. Letters from children, boys and girls, mothers and fathers, 6 to 60, each and every one expressing enthusiastic interest.

The writers anxious to get these new, different sensational motion picture stamps, which can be secured ONLY from your theatre. This exciting, planned radio campaign will create compelling interest that will bring present and new patrons back to your theatre regularly each week on Motion Picture Stamp Day.

BOB GALE'S STAMP CLUB

155 EAST 44th STREET NEW YORK CITY

MUrray Hill 2-8560

One Big Union Plan of 4 A's Is Premature

(Continued from page 1)

consolidation of all branches. However, individual branches are planning separate action to establish joint offices in cities where the overhead is a burden on small memberships.

Agreement on Major Points

Thomson, who returns to the coast tomorrow, disclosed that he had conferred with all eastern studio representatives yesterday and agreement on all major points in the modification agreement had been reached. As an inducement to the studios a simplified arbitration procedure will be introduced. Instead of an arbitration board, a committee of three will be set up consisting of one member from the union, another from the studios, and the third selected by agreement between the two designated members.

Although the committee will not have as broad powers as a similar committee on the coast, it is expected that minor difficulties will be obviated. Studios have complained that in minor salary disputes, arbitration has proved too expensive. The committee idea is the substitute.

Denies Serious Difficulty

Emily Holt, executive secretary of A.F.R.A., denied published reports that there was any serious difficulty between the organization and Radio Writers' Guild, a subdivision of the Authors' League. Mrs. Holt is continuing negotiations with the American Association of Advertising Agencies for a contract on commercial programs. An executive board meeting will be held today to discuss the situation and further talks with the association will be held in the next few days. No special significance is to be attached to the fact that a recent request had been made to Actors' Equity for funds. This money had been pledged in October of last year, and the unpaid balance of the pledge had been asked.

Efforts to obtain legislation to relieve actors of heavy income tax burdens will be pushed. Gillmore will discuss this with Senator Robert Wagner when the latter returns to the city late this month. Paul Turner, counsel to the 4-A's, is also preparing legislation to remove unfair social security taxes from actors' salaries.

Epes Sargent Dies; Won Note As Critic

(Continued from page 1)

York, which marked the beginning of his career of criticism, was with the old *Dramatic Mirror,* for which he did a vaudeville column.

The criticisms which won him notice under the name of Chicot began in the *Sunday Mercury,* now defunct. Later he joined Sime Silvermann on *Variety.* Thereafter he became general press agent for the Proctor circuit, joined the William Morris agency and about seven or eight years ago returned to *Variety,* where he has been since in an editorial capacity.

"Spring" Opening

"Spring Meeting," a comedy by M. J. Farrell and John Perry, opens at the Morosco tonight. The play, a story of two daughters of an Irish baronet, was directed in London by John Gielgud and is still current there. It is produced here by Gladys and Philip Merivale in association with Lee Ephraim and George Jessel. The cast includes Gladys Cooper, A. E. Matthews, Jean Cadell, Arthur Shields, Shelah Richards and others.

Para. Dakota Plea Extended to Jan. 5

Time for completing and filing Paramount's appeal to the U. S. Supreme Court on the North Dakota affiliated theatre divorce law was extended yesterday to Jan. 5. An earlier extension of the appeal period was to have expired Dec. 15.

Reported here that Simpson, Thacher & Bartlett, counsel for Paramount, Minnesota and American Amusement companies, could have completed its work by Dec. 15 but a further extension was made necessary by final preparations for a defense of the statute by North Dakota state officials. Indications now are that the appeal papers will be filed in the Supreme Court about the end of the month.

Minority Fails to Halt Pathe Meeting

Minority stockholders lost yesterday in their attempt to block the Dec. 13 stockholders' meeting of Pathe Film Corp. when dissolution of the corporation will be voted upon. N. Y. Supreme Court Justice Philip J. McCook denied a motion for a temporary injunction. He pointed out that 80 per cent of stockholders must consent before dissolution can be effected and that at least $1,000,000 in taxes can be saved.

Shift Turnesa Suit

Suit brought by six Turnesa brothers, golfers, against Pathe News, Inc., RKO and R. H. Macy & Co. was transferred yesterday from the N. Y. Supreme Court to the U. S. District Court here because of the diversity of citizenship among the parties. Plaintiffs allege they appeared in an RKO "Sportscope" and claim they were shown using a "Power" ball, which is exploited by Macy's, and that the alleged advertising was put in without their permission.

Tri-States M.P.T.O. Will Meet on Sunday

MEMPHIS, Dec. 7.—Annual convention of Tri-States M.P.T.O. (Mississippi, Tennessee and Arkansas) will open here Sunday at the Gayosa Hotel. Meeting will run for two days and will have special events to mark the opening of the Memphis Variety Club, with headquarters in the same hotel, over the weekend.

Ed Kuykendall, M.P.T.O.A. president, and David Palfreyman of the M.P.P.D.A. are scheduled to attend.

Chase Disposes of 20th-Fox Shares

(Continued from page 1)

that Zanuck also holds 21,946 shares of the preferred.

Reports on Columbia Pictures showed that Jack Cohn disposed of 1,400 common voting trust certificates during October, reducing his holdings to 31,817; a late report for September showed that he acquired 810 certificates and 13 shares of common stock in that month, bringing his holdings of the latter to 542 shares.

Other reports field with the commission showed that Leopold Friedman disposed of 200 shares of Loew's, Inc., common stock, reducing his holdings to 612 shares at the end of October; Gurdon W. Wattles acquired 300 shares of Pathe common, bringing his holdings to 900 shares; Peyton Gibson acquired 400 Universal Corp. common voting trust certificates, giving him total holdings of 800, and Daniel M. Sheaffer acquired 500 certificates, giving his a total of 16,000. Universal Corp. in September acquired 2,000 shares of Universal Pictures common stock, making its holdings 230,927 shares; the company also held 220 shares of first preferred and 20,000 shares of second preferred.

Reports on the holdings of persons becoming officers or directors of corporations showed that Preston Davie, added to the directorate of Universal Corp. Sept. 8, last, held no securities in that company direct but through Standard Capital Co., held 26,500 common voting trust certificates and 111,283 common voting trust certificate warrants.

U.S. Suit Briefs to Capital for Study

Briefs by defendants in support of motions for a bill of particulars and to strike out portions of the complaint in the Government anti-trust suit have been sent to Washington by Moses H. Lewis, assistant attorney in charge of the N. Y. office. They will be studied there and reply briefs airmailed back for filing on Monday.

Federal Judge William Bondy, who has the motions under advisement, is engaged in the criminal part of the court at present, and it is problematical when he will undertake decision of the motions.

Pickett Honored in Troy on Retirement

TROY, Dec. 7.—John T. Pickett bowed out of the picture business here tonight, when 75 friends tendered him a dinner at the Elks' Club. Pickett, who has been assistant to Harry Black at Fabian's Proctor for many years, is resigning to enter the insurance business.

Fabian executives, Troy exhibitors and every major company branch manager from Albany's film row was in attendance. Albany group was headed by George Lofink, L. R. Golding, Sid Deneau, Larry Cowan, Oscar Perrin, Alexander Sayles and Ralph Pielow, while Schenectady managers present included Joseph Shure, Phil and Louis Rapp, Richard Murphy and Robert Fox.

U. S. Pat On Divorcement; No Half Way

(Continued from page 1)

action on the draft would not be taken by M.P.T.O.A. until after further meetings of its negotiating committee had been held and the organization's board approved an ultimate draft. Several negotiating committee meetings may be held before the year-end but a meeting of the full M.P.T.O.A. board will not be set until January. The meeting of the negotiating committee which had been scheduled for today has been called off indefinitely pending completion of study of the distributors' first draft of the trade program.

This coincides with the prospect of no decisive action on the program by Allied States' board of directors before mid-January.

While expressing his optimism over prospects for an eventual exhibitor-distributor agreement, Kuykendall clearly indicated that he was not satisfied with the distributors' draft as it now stands.

"While the draft displays a sincerity of purpose in the distributors' approach," he said, "it still does not include some of the things we are insisting upon."

He verified MOTION PICTURE DAILY'S statement of yesterday that the M.P.T.O.A. will insist upon the program being made effective immediately upon completion, rather than at the start of the 1939-'40 season. He also indicated that the organization will insist upon changes in phraseology in the present draft and for more specific provisions for local conciliation and arbitration machinery.

Kuykendall hit at unnecessary delay from any quarter in completing the program, including the submission of industry problems to the Department of Justice for its consideration.

Allied Not Satisfied Yet

FALL RIVER, MASS., Dec. 7.—Allied regards the distributors' draft of the proposed trade practice program as unacceptable and will seek further concessions, it is declared by Nathan Yamins, president.

In a statement to MOTION PICTURE DAILY, Yamins said: "The trade practice draft as submitted contains a large part but not all of the concessions that the distributor committee agreed to undertake to secure for exhibitors.

"Some very important matters are not included and remain to be worked out. It would be a mistake to conclude that the draft as submitted is acceptable to Allied's negotiating committee.

"When the important matters referred to have been worked out and submitted to our committee by the distributor committee it will be submitted to Allied's board of directors for final action with such recommendations as our committee may make.

"It should be clearly understood that final action rests with our board of directors."

The Allied board is not scheduled to meet until Jan. 18.

Radio Personals

HUDSON Hawley, formerly in charge of European offices of International News Service, has been appointed to the newly created position of news editor of the international division of NBC. . . . Another I.N.S. correspondent, W. W. Chaplin, has begun a news series on WNEW. . . . Warner S. Shelly, recently elected vice-president of N. W. Ayer & Son, has been placed in charge of the New York office, coming here from Philadelphia.

+

Mel Allen and Leith Stevens go off the CBS "Swing Session" Dec. 17, to be replaced by Walter Gross as band-leader and Dan Seymour as commentator. . . . Art Shaw will be the guest on Buddy Clark's show Dec. 14. . . . Howard L. Hausman has joined the legal department at CBS.

Baldwin Airs Plea To Canada Today

MONTREAL, Dec. 7.—Speeches by British statesmen figure prominently on the lineup of Canadian Broadcasting Corp. programs for mid-December. Three will be heard in less than a week.

Tomorrow afternoon Earl Baldwin, former prime minister of England, goes on the National network, his "Appeal for Jews and Non-Aryan Christians" coming short-wave from BBC. Friday the corporation will air coast-to-coast NBC's broadcast of an address by former British Foreign Secretary Anthony Eden, before the National Association of Manufacturers in New York, and next Tuesday afternoon, Prime Minister Neville Chamberlain will be heard in Canada as he addresses the annual dinner of the Foreign Press Association in London.

Donnell on Publicity For Wrigley Program

SAN FRANCISCO, Dec. 7.—Darrell Donnell, former *Examiner* radio editor, has been appointed publicity director for the new RKO-Wrigley radio show, to start Jan. 8 on the CBS network.

Donnell will handle contests in principal cities to select young actors with talent, in cooperation with local theatres. Winners of local contests will go to Hollywood for the finals, with a chance to appear in an RKO picture next year.

It's a Sellout

If anyone wants to buy spot announcement or station-break time on WHN, the waiting line forms to the right, for according to associate director Arthur Pettey, the station is now operating on a 100 per cent commercial basis on these announcements, with all available time sold out.

Nazi Embargo Query Brings Record Mail

"People's Rally," network show, recently caused a rumpus when it asked for an opinion as to whether or not the United States should declare an embargo against German goods. It was as a result of the provocative subject that WLW, Cincinnati, refused to broadcast the show.

It now develops that the show drew a record mail of approximately 10,000 pieces. Eighty-one per cent of those who responded voted in favor of an embargo.

Stars Pledge Aid to Screen Guild Series

Carole Lombard, Jack Benny, Deanna Durbin, Robert Montgomery, Clark Gable, Jean Hersholt, Frank Morgan, Bing Crosby, Gloria Stewart, Joan Crawford, William Powell, Paul Muni and other leading screen players have personally guaranteed that they will participate in the forthcoming Screen Actors' Guild series which is to start on the CBS network Jan. 8 for the Gulf Oil Co.

The S.A.G. show will be one of the most elaborate regular radio series ever to be presented, for the charity angle behind the show has been a tremendous lure, and Hollywood is giving wholehearted support, according to the local Young & Rubicam office, the agency which negotiated the series. Nothing has been said officially as to how much money will be paid to the S.A.G. by the sponsor, but it is learned that the fee will be a flat $10,000 a week for the first 26 weeks, with even more money forthcoming if the show continues beyond that period.

The fees in their entirety will be used by the S.A.G. to establish a fund for use in the building and maintainance of a home for the needy actors of Hollywood, and the construction of a hospital for the same purpose. Associated with the S.A.G. in the presentations are the Screen Writers' Guild, Motion Picture Producers Association, Screen Directors' Guild, and other industry units.

Woodruff Appointed To Head Georgia Net

ATLANTA, Dec. 7.—James Woodruff, Jr., has been appointed executive director of the Georgia Broadcasting System. The network consists of WRBL, Columbus; WATL, Atlanta and WGPC, Albany, Ga. Woodruff moves up from the general manager post at WRBL, while Jack Gibney assumes his position as general manager.

WHN to Air Benefit

WHN will broadcast the meeting of the Christian Committee for the Relief of Jewish Refugees from the Hotel Commodore today from 5:15 to 5:45 P. M. Helen Hayes, Jack Dempsey, Vera Zorina, Attorney General John J. Bennett, Comptroller Frank J. Taylor and Assistant Attorney General Martin McLaughlin will be among the speakers.

Discarding of FCC Denied by McNinch

WASHINGTON, Dec. 7.—Published stories that legislation is being drafted for a three-man board to supersede the FCC were formally denied today by Chairman Frank R. McNinch as "utterly without foundation."

McNinch charged the "misinformation" must have come from a source "desirous of sabotaging the commission's work and seeking to discredit functional reorganization which is bringing about much more effective administration of the communications act."

One article stated that McNinch was dissatisfied with the present set-up and was backing legislation for a three-man board operating under larger quasi-judicial board as means of eliminating friction between present members.

Stein Leaving Time

Aaron Stein, who left the *New York Post* some months ago to become *Time* Magazine's first radio editor, is leaving, and probably will devote himself to writing mystery novels. He is the author of several such books. His successor has not been chosen, but it is believed the post will be filled from within the *Time* staff.

Gilman Returns West

Don Gilman, NBC vice-president on the west coast, left New York yesterday to return to California after spending a few weeks in the east. NBC denies reports Gilman is to be transferred to the New York office.

Wage-Hour Ruling Puts Broadcasting Stations Under Law

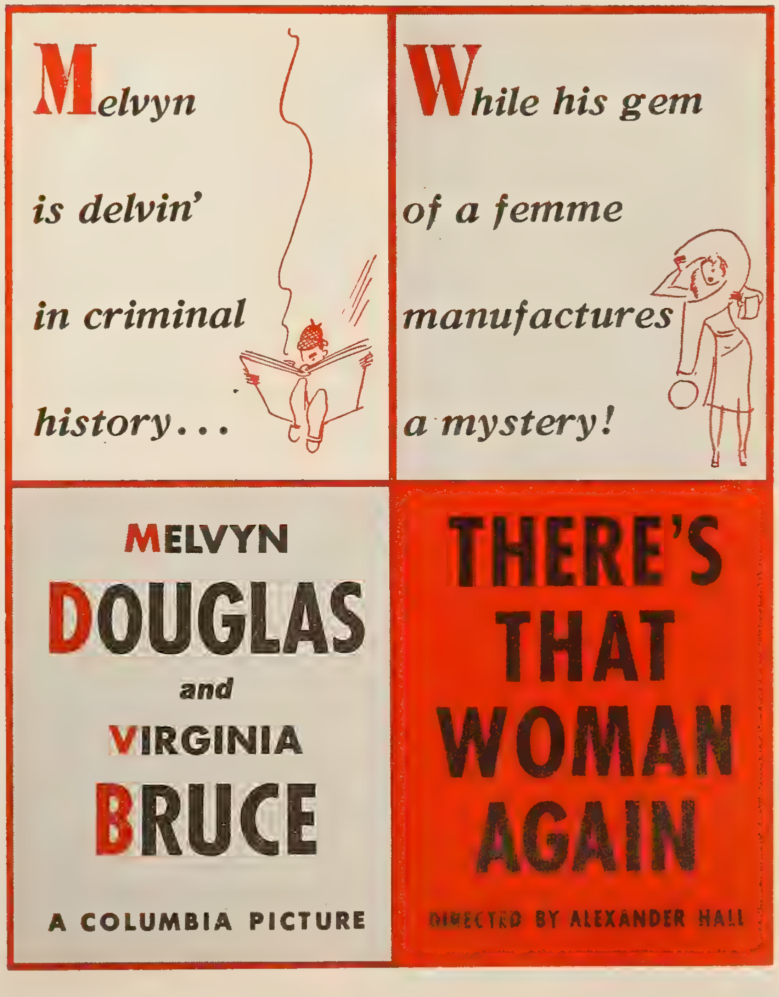
WASHINGTON, Dec. 7.—Broadcasting stations are not "service establishments" exempt from wage-hour provisions of the fair labor standards act, it was held today in a ruling by the general counsel's office of the Wage-Hour Division.

Admitting that stations perform "service," the ruling holds it is not the type of service intended by Congress to be exempt from the act, in that they do not render service to the ultimate consumer in intrastate commerce.

Industry Gets Peek At Radio Attractions

Radio Attractions, Inc., made its bow to the industry yesterday at the Waldorf with an audition of its recordings. The company, headed by Herbert R. Ebenstein and George W. Brandt, son of William Brandt, local theatre operator, specializes in the production and distribution of recorded program series.

The first, "Fu Manchu," is being released to stations, and subsequent ones will be "Ella Cinders" and "Hop-a-Long Cassidy." The company plans to distribute six series a year, on a plan similar to the release of films to theatres, Ebenstein drawing from his experience as a former film executive in arranging the plan. Production is by Fields Bros. on the Coast.


Melvyn is delvin' in criminal history...

While his gem of a femme manufactures a mystery!

MELVYN DOUGLAS and VIRGINIA BRUCE

A COLUMBIA PICTURE

THERE'S THAT WOMAN AGAIN

DIRECTED BY ALEXANDER HALL

★ A BIG ONE *from* SMALL

Eddie Small, whose productions of "The Count of Monte Cristo" and "The Last of the Mohicans" still hold many house records

CELEBRATES

HIS RETURN TO UNITED ARTISTS

with

"THE DUKE OF WEST POINT"

with

LOUIS HAYWARD • TOM BROWN
RICHARD CARLSON
JOAN FONTAINE • ALAN CURTIS

Directed by ALFRED E. GREEN
Original screen play by GEORGE BRUCE

World Premiere
Thursday, December 15th
at
RADIO CITY MUSIC HALL

Definitely a hit...definitely a *big* hit ...that's the word its coast preview has already spread thru the trade. Prints soon in all United Artists Exchanges where you can share its pleasant box-office surprises at an early screening.

★ ASK ABOUT IT TODAY!

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 44. NO. 113 NEW YORK, FRIDAY, DECEMBER 9, 1938 TEN CENTS

U.S. Units Call Paris Parley On Rome Ban

Will Decide Next Week on Quitting Italy Dec. 31

Decision as to whether or not any American companies, either voluntarily or by compulsion, will continue in business in Italy after Dec. 31 is scheduled to be made at a meeting of Continental managers of the American distributors in Paris next week.

The decision, at this time, will affect the future Italian operations of only Columbia, RKO, United Artists and Universal, the only major companies to whom Italy has proffered—through their Italian distribution representatives—a six-month postponement of enforcement of the Government's film monopoly decree.

Notice Received Yesterday

Terms of the extension will be studied at the Paris meeting to determine whether or not continuation of business in Italy is compulsory during the six-month period of grace. Home office foreign departments of the four companies received official notification of the Italian Government's action yesterday. The first reaction here was that if the provisions of the extension are not compulsory, the four companies may not be in a position to withdraw from Italy Dec. 31 without violating their existing contracts there. If compulsion enters into the extension, however, it was indicated here that the four companies may consider their contracts breached by the Italian Government, in which case they would withdraw from Italy at the end of the year, as originally decided.

There has been no change in the status of the plans of Loew's, Paramount, 20th Century-Fox and Warners for liquidating their Italian operations as of Dec. 31.

Legion Pledges to Be Renewed Sunday

Renewal of pledges to the Legion of Decency for another year will be asked of Catholics in the New York Archdiocese and in other parts of the country at all masses this Sunday. Those taking the pledge agree not to patronize pictures not approved by the Legion.

In a letter to Catholic pastors in New York, Bishop Stephen J. Donahue, administrator of the Archdiocese, calls attention to praise accorded the Legion by the Pope since its inception five years ago.

Silver Anniversary

Kansas City, Dec. 8.—Summit, oldest theatre in continuous operation under one management here, will celebrate its 25th anniversary, Dec. 12. The theatre, opened in 1913 by Mr. and Mrs. C. H. Burkey, has been operated by Mrs. Burkey since 1934, when her husband died.

During most of its history, the subsequent run Summit has changed programs daily, and has charged 10 and 15 cents. It seats 800.

Films' Assets Human, Kent Informs Court

"The assets of the motion picture industry are the human assets. Money can't stand alone," Sidney R. Kent, president of 20th Century-Fox, informed the N. Y. Supreme Court, testifying yesterday in the minority stockholders' suit against Loew's, Inc. Kent was the day's only witness.

To the men who are now being sued and criticized by the defense, Kent attributed the rise and success of the Loew company. The head of 20th Century-Fox told the court that should the present employment contracts of these executives of Loew's be abrogated or invalidated, that Loew's would be wrecked.

Would Take Executives

If the Loew company wants to let these men go, his company would be glad to take them on, Kent testified.

When questioned about a drop in Loew studio earnings from $9,900,000 in 1930 to $3,800,000 in 1932, Kent declared that in 1932 Fox Films lost $12,000,000, of which $9,000,000 was a loss on studio operations. He expressed approval of the action of Loew executives for increasing production operations and refusing to invest in costly theatre operations. This refusal helped Loew's in earning profits while competitor companies were experiencing financial difficulties.

Arthur Mayer Calls At Justice Division

Washington, Dec. 8.—Arthur Mayer, operator of the Rialto, New York, was another independent exhibitor to confer with Department of Justice officials here this week.

N. Y. EXHIBITORS WILL KILL GAMES

Name Schenck To Air Trade '39 Forecast

Joseph M. Schenck, president of the Motion Picture Producers' Association, will forecast the business outlook for the industry in 1939 in a special network broadcast Dec. 29 which will present leaders of America's nine leading industries. The broadcast, arranged by NBC, will be heard over the Blue network, from 8:30 to 9 P. M. Schenck will speak from Hollywood.

In addition to the film industry, the feature will present spokesmen of the banking, railroad, newspaper, food, clothing, drug, automobile, iron and steel fields.

Philip A. Benson, president of the American Bankers Association; Dr. John F. Anderson, president of American Drug Manufacturers; Paul S. Willis, president of the Grocers' Association; Sol Cohen, president of National Retail Dry Goods Association; Edwin S. Friendly of the American Newspaper Publishers' Association, will speak from New York. J. J. Pelley, president of the Association of American Railroads, will be heard from Washington. Other speakers will be Alvan Macauley, president of the Auto Manufacturers' Association and T. M. Girdler, president of the Iron and Steel Institute.

Additional developments in radio yesterday on page 9.

Elect Hummel Head Of Film Trade Board

Harry Hummel, Warners' New Jersey branch manager, was elected president of the New York Film Board of Trade at a meeting Wednesday night. He succeeds Leo Abrams, Universal branch head.

Others elected are: Edward Bell, Paramount New Jersey branch manager, first vice-president; Robert Fannon, Republic, second vice-president; Jack Bowen, M-G-M branch manager, treasurer; Myron Sattler, Paramount branch manager, secretary, and David Levy, M-G-M New Jersey branch manager, sergeant-at-arms. Installation will be Jan. 11 or 18.

Annual Lotteries Total $3,000,000; Moss Warns Theatres

By AL FINESTONE

Given the alternative of cleaning their own house or having the law do it for them by License Commissioner Paul Moss, New York exhibitors, at a meeting yesterday at the Astor Hotel, decided to study means to eliminate, at least, chance games from the theatres of the city.

The hope is that the exhibitors may go even further and discard other forms of giveaways. The yearly total of cash and other giveaways was estimated by William Brandt at $3,000,000.

This was a meeting of the I.T.O.A., of which Harry Brandt is president, and was attended by non-members and representatives of the affiliated circuits as well.

"Eradicate the Cancer"

Commissioner Moss urged the exhibitors to "eradicate the cancer," and warned that he is determined to put an end to the practice because the chance games are illegal. He warned them further that unless this was accomplished he had the one alternative, to suspend the licenses of those who persisted in the practice. His office had received many complaints, including one by the Society for the Prevention of Crime. The Society's lottery charges against Max Cohen's Jewel Theatre in Harlem are to be heard in special sessions court Monday.

Following Moss's address, Brandt was authorized to name a committee of six, to draft a citywide program to which exhibitors in the Metropolitan area will be asked to accede. This committee will be composed of

(Continued on page 10)

"Ballerina" Coast Rights to Laemmle

Sale of the west coast rights of the French film, "Ballerina" to Carl Laemmle has been made by Arthur Mayer and Joe Burstyn, its distributors. Currently in its fourth week at the Little Carnegie Playhouse the film is reported to have broken all records for this theatre.

"Ballerina" is scheduled to open in Baltimore and Philadelphia on Christmas Day.

◂ Purely Personal ▸

J. CHEEVER COWDIN, Universal board chairman, is prolonging his stay at the studio a few days and, in consequence, is not expected here until Sunday. As usual, he will return by plane.

•

Lewen Pizor, fully recovered from his recent illness, came to New York yesterday from Philadelphia for talks with Ed Kuykendall, M.P.T.O.A. head. The latter leaves New York for Memphis tonight.

•

Alexander Korda, John Hicks, Jr., Max Milder, James Whale, George Arliss, Douglas Fairbanks, Jr., Gary and Mrs. Cooper and Lili Damita are due on the *Aquitania* late today.

•

Thurman Arnold, assistant U. S. attorney general in charge of the Government anti-trust suit against the industry, has been added to the list of sponsors of Films for Democracy, Inc.

•

Joe Kinsey, manager of the Davenport, Ia., district for Tri-States, has taken a month's leave on account of his health and will spend the time in Florida.

•

U. S. Ambassador Joseph P. Kennedy will arrive here on the *Queen Mary*, Dec. 15, for the holidays. The Ambassador and his family will go to Florida.

•

William F. Rodgers leaves New York today or tomorrow for product conferences with Al Lichtman and others at the M-G-M studio.

•

Jack Cohen of Ottumwa, Ia., partner with Tri-States in several houses, was host at a duck dinner at the Hotel Fort Des Moines.

•

Sam Rinzler is confined to his home in Brooklyn with a sprained foot. He may be laid up several weeks.

•

E. V. Richards and Hunter Perry have left New York after conferences at the Paramount home office.

•

Joe J. Deitch, Des Moines bookkeeping head for Tri-States, is vacationing in California.

•

Nicholas M. Schenck plans to open his winter home in Florida shortly.

•

Mr. and Mrs. Jimmy Ritz will arrive in New York tomorrow from the coast.

•

Earl Wingart of 20th Century-Fox is nursing a case of laryngitis.

•

C. C. Pettijohn is fighting a cold acquired during his trip to Chicago.

•

George Schaefer, RKO chief, returns from the coast next week.

•

Marjorie Noble returns to London on the *Aquitania* tomorrow.

•

Lloyd Wright will leave for the coast today.

Insiders' Outlook

THE facsimile people are also anxious to get into the consumer belt, with television. Those close to Finch Telecommunications Laboratories set forth claims of a transaction with a company, known as William A. Bruno Co., by which the latter may manufacture special facsimile telecast kits for the home market. At the present time, these experts hold, there are several radio stations in the country operating visual facsimile on an experimental basis, and that these could form the nucleus for a facsimile network.

▾ ▾

When Mrs. F. D. Roosevelt handed Jack Benny a one-dollar bill for a 25-cent ticket in the German refugee art fund drawing yesterday, she asked:

"Have you the change?"

"I'll send you the change if you'll stay in one place long enough," Benny quipped. The first lady left last night for Washington.

HARRY BRANDT yesterday was served with a summons as an additional defendant in the copyright infringement suit brought by Milton Spitz, of "U-Spot-It," against Motion Pictures Greatest Year, Inc., and film companies.

Brandt is an officer of Bobbydick, Inc., which operates the Globe, and an original defendant. Peculiarly none of the Brandt theatres are participating in the quiz.

▾ ▾

Independent exhibitors, at a meeting, in the Astor, yesterday, pledged $16,000 to the N. Y. Jewish Federation for Support of Philanthropic Societies. When Walter Reade passed a plate around to obtain additionally "pocket money" from the assemblage, $290 was collected.

▾ ▾

Clarke Robinson has written another novel, "Behold, The Woman."

The Newsreel Parade

Scenes of President Roosevelt at the University of North Carolina at which he receives a degree, and the U. S. delegation at the Pan-American conference are shown in all the new issues of the newsreels, out yesterday. The reels and their contents follow:

MOVIETONE NEWS, No. 26.—Roosevelt at North Carolina University. U. S. delegates en route to Lima parley. French line of defense. Hat fashions. Lew Lehr. Giants beat Redskins.

NEWS OF THE DAY, No. 224—Roosevelt speaks at Chapel Hill. French and Italian crisis. Dr. Dafoe takes orders for Santa Claus. Frost hits Yellowstone Park. Pan-American conference. Diamond Belt bouts. Giants win championship.

PARAMOUNT NEWS, No. 37—Daredevils sail through Grand Canyon in rubber boats. Roosevelt receives degree. James Roosevelt becomes film executive. Monopoly investigation. Pan-American conference. Secretary Hull welcomed at Panama. Winter Sports show at Madison Square Garden. Davey O'Brien receives Heisman trophy. Giants beat Washington.

RKO PATHE NEWS, No. 41—President Roosevelt at North Carolina University, James Roosevelt in Hollywood and Mrs. Roosevelt at National Jewish Fund rally. American delegates in Lima. Congressmen tour Florida projects. Ice hockey. Giants win.

UNIVERSAL NEWSREEL, No. 726—Roosevelt speaks. Pan-American conference. Czech city evacuated. James Roosevelt as movie executive. Ten brothers display strength. Plane crashes in Mexico. Diamond Belt bouts. Winter Sports show in Madison Square Garden.

B & K Circuit Staff Gets 6-Million Policy

CHICAGO, Dec. 8.—On Dec. 15 a coverage of $6,000,000 will become effective for employes of Balaban and Katz theatres and Publix Great States. More than 2,200 will come under the plan, according to John Balaban, who made the announcement today.

This, according to the announcement, is the first quadruple group insurance plan written by Equitable which is paid for entirely by the employer.

Drive Office Closes Soon

Motion Pictures' Greatest Year campaign headquarters in the RKO Building will be closed within the next few weeks, as the Movie Quiz contest, principal remaining feature of the campaign, nears its end Dec. 31. Staff has been reduced to a minimum already. Coast office of the campaign was closed down recently.

Ament to Be M. E. Of Pathe Newsreel

Walton C. Ament, news editor of Pathe Newsreel for the last year, will be named managing editor of the reel in the near future. He will replace Allyn Butterfield, who resigned recently.

Ament, who before joining the newsreel was a member of the RKO trustee's legal staff at the home office, already is handling much of the work which was done by Butterfield.

Howard Addresses Ampa

"Good pictures are not a matter of geography," William K. Howard, who recently completed "Back Door to Heaven" at the Eastern Studios, asserted at the fortnightly luncheon of Ampa yesterday. He refused to comment on the future of production in the east. Patricia Ellis, co-starred with Wallace Ford, sang two songs from the film, and Ford spoke briefly.

Defense Plea Heard In B & K Motion on Bill of Particulars

CHICAGO, Dec. 8.—Hearing on defense methods for a bill of particulars in the Government's criminal contempt proceedings against Balaban & Katz and the majors for alleged violation of a 1932 consent decree was held before Federal Judge Woodward today. Defendants seek an itemization [illegible] charges against them.

At today's hearing, Robert Golding appeared for B. & K. and Paramount, Edmund Adcock, of Spitz & Adcock, for RKO and Universal, Frederic Burnham, for Loew's, David Levinson, for U. A., and Otto A. Koegel, of Dwight, Harris, Koegel & Caskey, for 20th Century-Fox. Argument will be concluded tomorrow when Vincent O'Brien will appear for Warner Bros. and Robert Wright, of the Government staff, will present the opposition.

Following the conclusion of debate on the motions for a bill of particulars, motions to quash subpoenas and for extension of time to answer will be made.

To Reelect Warner Directors at Meet

Five Warner directors whose terms are expiring are slated for reelection at the annual meeting of stockholders in Wilmington on Monday. They are Samuel Carlisle, Sam E. Morris, Stanleigh P. Friedman, Morris Wolf and Charles S. Guggenheimer. The directors will meet in New York to elect officers, with the present slate expected to continue.

Stanley Corp. of America, Warners' theatre subsidiary, will also hold its stockholders' meeting on Monday, with reelection of directors scheduled.

Para. Sets B. A. Meet

A sales convention of Paramount Films, S. A., has been called for next Monday and Tuesday in Buenos Aires. John B. Nathan, managing director in charge of Argentina, Uruguay and Paraguay, will preside. New season's product will be discussed.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco. New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: Motion Picture Herald, Better Theatres, Teatro al Dia, International Motion Picture Almanac and Fame.

BUREAUS:—*Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

MOTION PICTURE
DAILY

'Cowboy' Has Big $11,500 Denver Take

DENVER, Dec. 8. — "The Cowboy and the Lady" took a strong $11,500 at the Denver for the best gross, and was moved to the Aladdin for a continued run.

"Brother Rat" and "Gangster's Boy" took a good $4,000 in the second week at the Paramount, and "If I Were King" was good for $6,200 in its second week at the Denham.

Estimated takings for the week ending Dec. 7:

"Moonlight Sonata" (Select)
ALADDIN — (1,400) (25c-40c) 7 days. Gross: $3,000. (Average, $3,500)
"Young Dr. Kildare" (M-G-M)
"Mad Miss Manton" (RKO)
BROADWAY — (1,100) (25c-40c) 3 day holdover. Gross: $1,000.
"Out West with the Hardys" (M-G-M)
"Tarnished Angel" (RKO)
BROADWAY—(1,100); 25c-40c, 4 days. Gross: $1,500. (Average for week, $2,500)
"If I Were King" (Para.)
DENHAM — (1,750) (25c-35c-40c) 7 days. 2nd week. Gross: $6,200. (Average, $5,500)
"The Cowboy and the Lady" (U.A.)
DENVER — (2,525) (25c-35c-50c) 7 days. Gross: $11,500. (Average, $8,500)
"Out West with the Hardys" (M-G-M)
"Tarnished Angel" (RKO)
ORPHEUM — (2,600) (25c-35c-40c) 3 day holdover. Gross: $3,000.
"The Great Waltz" (M-G-M)
"Spring Madness" (M-G-M)
ORPHEUM—(2,600) (25c-35c-40c) 4 days. Gross: $6,000. (Average for week, $7,500)
"Brother Rat" (F.N.)
"Gangster's Boy" (Mono.)
PARAMOUNT—(2,200) (25c-40c) 7 days. 2nd week. Gross: $4,000. (Average, $3,500)
"Just Around the Corner" (20th-Fox)
"Exposed" (Univ.)
RIALTO—(878) (25c-40c) 7 days. Gross: $2,000. (Average, $1,750)

'Angels' Lead in K. C. With $8,800

KANSAS CITY, Dec. 8.—"Angels with Dirty Faces" stood up under cold weather and competition for $8,800, and was held at the Orpheum. Big money went to "Out West with the Hardys" and "Adventure in Sahara," which gathered $14,100 at Loew's Midland.

Estimated takings for the week ending Nov. 30-Dec. 1:

"Submarine Patrol" (20th-Fox)
ESQUIRE—(800) (25c-40c) 8 days. Gross: $2,200. (Average, 8 days, $3,500)
"Men with Wings" (Para.)
NEWMAN—(1,900) (25c-40c) 7 days, 2nd week. Gross: $5,800. (Average, $7,000)
"Submarine Patrol" (20th-Fox)
UPTOWN—(2,000) (25c-40c) 8 days. Gross: $3,300. (Average, 8 days, $4,500)
"Out West with the Hardys" (M-G-M)
"Adventure in Sahara" (Col.)
MIDLAND — (4,000) (25c-40c) 8 days. Gross: $14,100. (Average, 8 days, $12,500)
"Angels With Dirty Faces" (W.B.)
ORPHEUM — (1,500) (25c-40c) 8 days. Gross: $8,800. (Average, 8 days, $5,600)
"Campus Confessions" (Para.)
FOX TOWER—(2,200) (25c-35c-55c) 8 days. Stage: Bernie Cummins & His Orchestra, featuring Connie Barleau and Walter Cummins, Steve Evans, Paul Sydell & Spotty, Tommy Martin. Gross: $8,500. (Average, 8 days, $9,000)

Test Sunday Closing

CAMBRIDGE, O., Dec. 8.—Daniel Gilhula, local exhibitor, and three of his employes, arrested for violation of the Sunday closing law, have been released on bond pending trial. Voters in the recent election expressed a preference for Sunday closing, and Gilhula is making a test case.

Out Hollywood Way

HOLLYWOOD, Dec. 8.—MAJOR H. D. DETWEILER, commanding officer of Fort McArthur, San Pedro, will confer with Capt. WILLIAM F. COX, U. S. A. retired, on "Invasion," forthcoming Paramount picture dealing with an invasion of North America by an enemy . . . M-G-M has purchased "The Lady Comes to Burk Burnett," story of Texas oil fields, by JAMES EDWARD GRANT . . . Due to complications following an appendectomy, LANA TURNER is one of the cast of M-G-M's "I Take This Woman" . . . PEGGY MONTGOMERY gets a featured role in M-G-M's "Burn 'Em Up O'Connor" . . . Warners will reunite JAMES CAGNEY, PAT O'BRIEN, HUMPHREY BOGART, ANN SHERIDAN and the "Dead End" kids, who appeared in "Angels with Dirty Faces," in the forthcoming "The Battle of City Hall." MICHAEL CURITZ will direct.

Universal has retitled "Three's Company," the BING CROSBY picture, as "East Side of Heaven" . . . Lieut. JACK REINS LINCKE has joined JOHN LEROY JOHNSTON'S publicity staff at WALTER WANGER'S, replacing RUSSELL PHELPS, who has joined 20th Century-Fox' writing staff . . . BOB HOPE and SHIRLEY ROSS will be teamed in "Some Like it Hot," vehicle for GENE KRUPA and his orchestra at Paramount . . . JANE BRYAN draws the feminine lead in "Gantry the Great," Warners.

✚

Casting—ALLEN JENKINS to "Song of the West," and WILLIAM GARGAN to "Broadway Serenade," M-G-M . . . J. CARROL NAISH to "Hotel Imperial," and RUSSELL HAYDEN to "Heritage of the Desert," Paramount . . . GENE LOCKHART to "I'm from Missouri," Paramount . . . MAY ROBSON, SIDNEY TOLER, EDWARD BROPHY and MAXIE ROSENBLOOM to "Broadway Cavalier," Warners . . . ROSELLA TOWNE to "Yes, My Darling Daughter," Warners.

✚

Writers—Warner assignments: SETON I. MILLER is writing a new treatment for "The Sea Hawk"; LAWRENCE KIMBLE and SIG HERZIG are writing "The Holy Terror"; MICHAEL FESSIER is on an untitled original dealing with a famous medical center . . . GILBERT GABRIEL and ROBERT THOEREN are working on "The World's Applause" at Paramount.

✚

Contracts—Warners has extended the pact of GABRIEL DELL and HUNTZ HALL of the "Dead End" kids.

✚

Directors—Warners assigned TERRY MORSE to guide "Sweepstakes Winner," starring MARIE WILSON, and NOEL SMITH to direct "Smashing the Money Ring."

Armistead and Ramos Share Para. Plaques

Harold Armistead of the Lyric, Ecsley, S. C., and J. Castro Ramos of the Cine Plaza, Rio de Janeiro, were declared joint winners of the International Plaque in Paramount's $5,000 advertising and exploitation contest, part of the recent sales drive on "Paramount on Parade." Each will receive a plaque. In the domestic field Armistead won first place and $500 for the best campaign in cities under 15,000. Ramos won first place and $500 for leading the foreign division. The judges were William Le Baron, managing director of production; A. M. Botsford, producer; and Cliff Lewis and Edward Schellhorn, of the Paramount publicity staff.

Raze Carolina House

COLUMBIA, S. C., Dec. 8.—Carolina here will be closed Dec. 31. Equipment will be transferred before dismantling of the building begins to make way for construction of new hotel. Taking the place of the Carolina will be the Five Points, construction of which is to begin soon. Grady Beeker, manager of the Carolina, will go to Greenwood as city manager of two houses operated by Palmetto Amusements.

Sunday Tax $479,280

LONDON, Dec. 8.—Middlesex exhibitors have paid over to their council $479,280 in the form of a tax on the Sunday opening of theatres since the 1932 Act came into force. Another $15,000 odd went to the Privy Council Fund.

Weather Hits Pitt. "Angels" Takes $19,200

PITTSBURGH, Dec. 8. — Winter weather took a big "bite" out of grosses. "Angels with Dirty Faces" led the list with $19,200 and won another week downtown at the Warner. The Stanley hit $18,700 with "There Goes My Heart," and a stage show.

Hardest hit was the new Harris Senator, which made its bow Thanksgiving Day. Paying a stiff fee for John Boles, screen singer, took a goodly share of the receipts which totaled $8,100.

Estimated takings for the week ending Dec. 2:

"Just Around the Corner" (20th-Fox)
ALVIN—(1,850) (25c-50c) 6 days. Gross: $6,200. (Average, $6,500)

"Little Tough Guys in Society" (Univ.)
FULTON—(1,750) (25c-40c) 6 days. Gross: $3,800. (Average, $4,600)

"Angels with Dirty Faces" (W.B.)
PENN—(3,400) (25c-50c) 8 days. Gross: $19,200. (Average, $16,500)

"Service De Luxe" (Univ.)
SENATOR — (2,000) (25c-50c) 7 days. Stage: John Boles. Gross: $8,100.

"There Goes My Heart" (U.A.)
STANLEY — (3,750) (25c-60c) 6 days. Stage: Maxine Sullivan, Dick Foran, Ann Miller and Roger Pryor's Band. Gross: $18,700. (Average, $21,000)

"A Man to Remember" (RKO)
"Nancy Drew, Detective" (W.B.)
WARNER—(2,000) (25c-40c) 7 days. Gross: $4,800. (Average, $5,500)

MISTER AVERAGE MAN
—AS HE SHAPES UP TO ARTIST HOFF!
hoff
But let MISTER AVERAGE MAN make your audiences laugh for themselves in this scandalously funny picture!

An entertainment idea as brightly new and different as the new nickels!

"THANKS FOR EVERYTHING"

(Released December 23rd)

The joy-time show for big-time grosses!

Is it possible you've guessed?...

"MISTER AVERAGE MAN" IS WHAT THE FUN IS ALL ABOUT!

20th's priceless, business-zooming flair has unearthed a new gold-mine of merriment!

DIFFERENT! With America's Mister Average Man (poor Haley!) tricked and picked on by Menjou and Oakie just to see what makes him tick! And in bad with his sweetheart, too!

A SHOW to make neighbors laugh good-naturedly at each other...and howl together!

PLUS exploitation stunts by the bushel! **PLUS** a World's Fair beauty contest! **PLUS** Gordon & Revel hits!

TIMED by 20th for top holiday grosses!

SO DATE IT IN for the jolliest Christmas your audiences ever celebrated!

THEY'LL THANK YOU FOR EVERYTHING!

Thanks for

Everything

with

ADOLPHE MENJOU · JACK OAKIE
JACK HALEY · ARLEEN WHELAN
TONY MARTIN · BINNIE BARNES
GEORGE BARBIER · WARREN HYMER

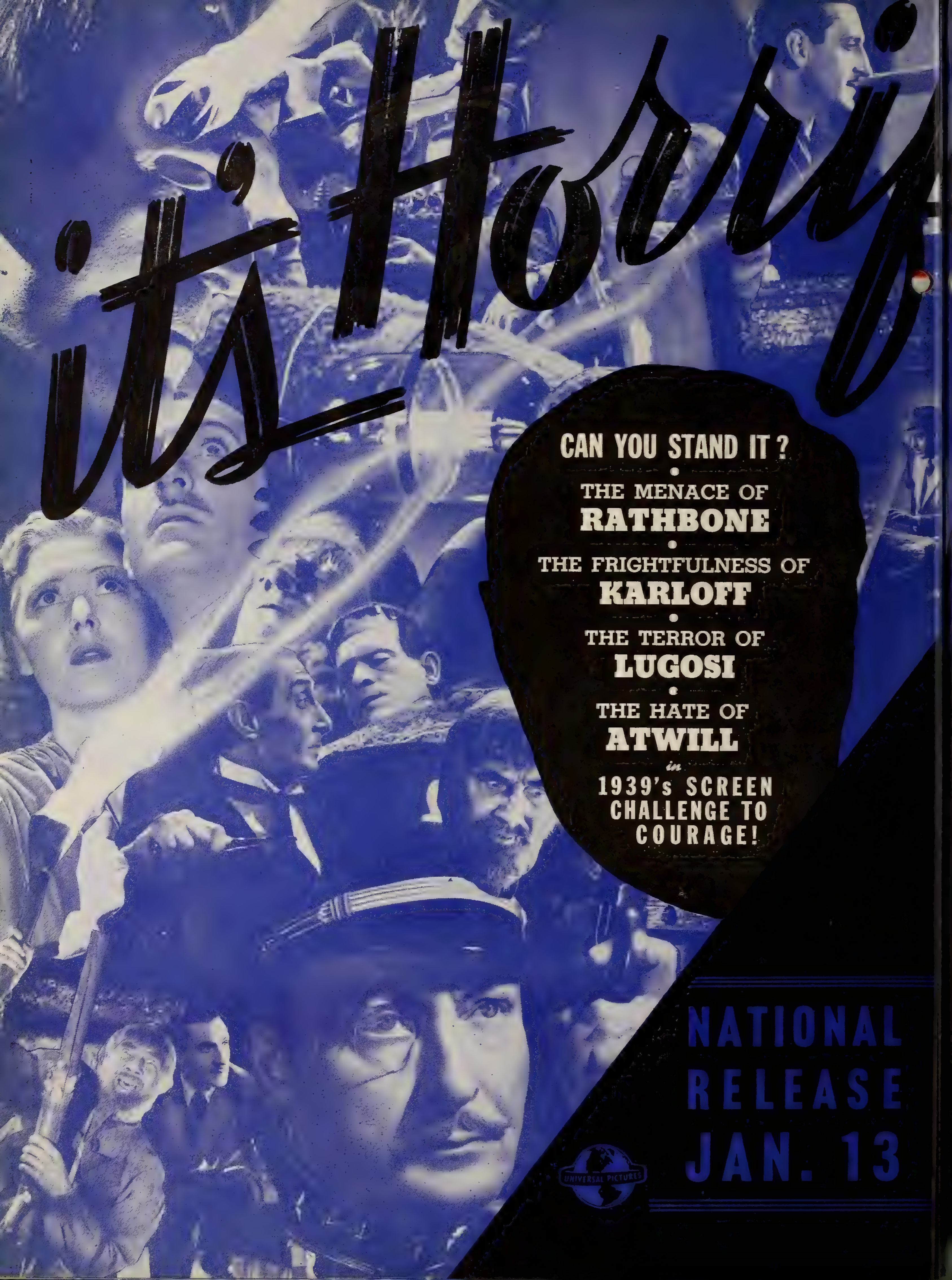
Directed by WILLIAM A. SEITER

Associate Producer Harry Joe Brown · Screen play by Harry Tugend
Adaptation by Curtis Kenyon and Art Arthur · Based on a story by
Gilbert Wright · Music and lyrics by Mack Gordon and Harry Revel

DARRYL F. ZANUCK
in Charge of Production

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE



CAN YOU STAND IT?

THE MENACE OF
RATHBONE

THE FRIGHTFULNESS OF
KARLOFF

THE TERROR OF
LUGOSI

THE HATE OF
ATWILL

in

1939's SCREEN
CHALLENGE TO
COURAGE!

UNIVERSAL PICTURES

NATIONAL
RELEASE
JAN. 13

The greatest fear figures in screen history . . . All in Universal's NEW Cavalcade of Profit-Horror!

Basil
RATHBONE
Boris
KARLOFF
Bela
LUGOSI
Lionel
ATWILL
in

"SON OF FRANKENSTEIN"

Josephine **HUTCHINSON**

Emma Dunn Donnie Dunagan Edgar Norton
A ROWLAND V. LEE PRODUCTION

Original Screenplay by Willis Cooper
Directed by ROWLAND V. LEE

'Take It' in Twin Cities Is $20,000 Lead

MINNEAPOLIS, Dec. 8.—Best grosser in Minneapolis for the week was "You Can't Take It With You" at the Orpheum at $12,000. At the State, "The Sisters" got $5,500 and "Moonlight Sonata" was good for $2,600 at the World.

In St. Paul, "You Can't Take It With You" was also best, bringing $8,000 to the Orpheum.

Estimated takings for the week ending Dec. 1:

Minneapolis:

"Arrest Bulldog Drummond" (Para.)
"Tarnished Angel" (RKO)
ASTER—(900) (15c-25c) 6 days. Gross: $1,500. (Average, $1,500)

"The Mad Miss Manton" (RKO)
CENTURY—(1,600) (25c-40c) 7 days. Gross: $3,400. (Average, $4,000)

"Listen, Darling" (M-G-M)
GOPHER—(990) (25c) 7 days. Gross: $2,800. (Average, $3,000)

"You Can't Take It With You" (Col.)
ORPHEUM—(2,900) (25c-40c) 7 days. Gross: $12,000. (Average, $4,800)

"The Sisters" (W.B.)
STATE—(2,300) (25c-40c) 7 days. Gross: $5,500. (Average, $4,400)

"Moonlight Sonata"
WORLD—(400) (25c-55c) 7 days. Gross: $2,600. (Average, $1,600)

St. Paul:

"You Can't Take It With You" (Col.)
ORPHEUM—(2,000) (25c-40c) 7 days. Gross: $8,000. (Average, $3,200)

"The Sisters" (W.B.)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: $4,000. (Average, $4,400)

"Listen, Darling" (M-G-M)
RIVIERA—(1,000) (25c) 7 days. Gross: $1,700. (Average, $2,400)

"Lawless Valley" (RKO)
"Silks and Saddles" (Majestic)
TOWER—(1,000) (25c) 7 days. Gross: $2,000. (Average, $1,600)

"Gangster's Boy" (Mono.)
WORLD—(400) (25c-35c) 7 days. Gross: $1,000. (Average, $700)

"Angels" $14,000 Is Cincinnati Hit

CINCINNATI, Dec. 8.—"Angels With Dirty Faces" took top money last week with $14,000 at the RKO Palace. Count Berni Vici's "Stars Over Broadway" on the RKO Shubert stage helped "Listen Darling" to a $13,000 gross, and "Brother Rat," grabbed a $6,600 take in its second week at the RKO Capitol.

Estimated takings for the week ending Dec. 1:

"The Shining Hour" (M-G-M)
RKO ALBEE—(3,300) (35c-42c) 7 days. Gross: $10,700. (Average, $12,000)

"Angels With Dirty Faces" (F. N.)
RKO PALACE—(2,700) (35c-42c) 7 days. Gross: $14,000. (Average. $10,000)

"Listen Darling" (M-G-M)
RKO SHUBERT—(2,150) (35c-40c-60c) 7 days. Stage: "Stars Over Broadway." Gross: $13,000. (Average, $12,000)

"Brother Rat" (F. N.)
RKO CAPITOL—(2,000) (35c-42c) 7 days, 2nd downtown week. Gross: $6,600. (Average, $6,500)

"Blondie" (Col.)
RKO LYRIC—(1,400) (35c-42c) 7 days. Gross: $5,900. (Average, $6,500)

"Young Dr. Kildare" (M-G-M)
RKO GRAND—(1,200) (25c-40c) 7 days, 2nd week. Gross: $2,400. (Average, $2,750)

"The Man From Music Mountain" (Republic) (3 days)
"Illegal Traffic" (Para.) (2 days)
"Sons of the Legion" (Para.) (2 days)
RKO FAMILY—(1,000) (15c-25c) Gross: $2,000. (Average, $2,450)

"The Mad Miss Manton" (RKO)
KEITH'S—(1,500) (30c-40c) 7 days. Gross: $4,400. (Average, $6,500)

Form Williams Theatres

DOVER, Dec. 8.—K. Lee Williams, Theatres, Inc., has been formed here for exhibition. The company listed capital of 1,000 shares, no par value. S. L. Mackey, J. Slaughter, and H. Kennedy of Wilmington were the incorporators.

'Hardys' a Smash In Cleveland with Gross of $18,500

CLEVELAND, Dec. 8.—"Out West with the Hardys" had the edge on "Angels with Dirty Faces" by a slight margin.

"Out West with the Hardys" at Loew's State, took $18,500. "Angels with Dirty Faces" at Warners' Hippodrome came through with $16,500, and was held. Weather was cold, with snow and ice.

Estimated takings for the week ending Dec. 2:

"Peck's Bad Boy at the Circus" (RKO)
"Annabel Takes a Tour" (RKO)
ALLEN—(3,000) (30c-35c-42c) 7 days. Gross: $3,000. (Average, $4,000)

"Angels With Dirty Faces" (W. B.)
WARNERS' HIPPODROME—(3,800) (30c-35c-42c) 8 days. Gross: $16,500. (Average, $12,000)

"Just Around the Corner" (20th-Fox)
RKO PALACE—(3,100) (30c-42c-55c) 8 days. Stage: Ben Blue and vaudeville. Gross: $15,000. (Average, $15,000)

"Out West With the Hardys" (M-G-M)
LOEW'S STATE—(3,500) (30c-35c-42c) 8 days. Gross: $18,500. (Average, $13,000)

"The Shining Hour" (M-G-M)
LOEW'S STILLMAN—(1,900) (30c-35c-42c) 8 days 2nd week. Gross: $5,000. (Average, $5,000)

'Hardys' $13,000 Indianapolis Best

INDIANAPOLIS, Dec. 8.—"Out West With the Hardys" did a powerful $13,000 at Loews' "Adventure in Sahara" shared the bill, which was held.

"Nancy Drew, Detective," with Herbie Kay's orchestra on the stage, paid the Lyric $9,000. The horror dual, "The Walking Dead" and "White Zombie," tallied a nice $3,500 for the Apollo.

Estimated takings for the week ending Dec. 1:

"The Walking Dead"
"White Zombie"
APOLLO—(1,100) (25c-40c) 7 days. Gross: $3,500. (Average, $3,000)

"Little Tough Guys in Society" (Univ.)
"The Storm" (Univ.)
CIRCLE—(2,800) (25c-40c) 7 days. Gross: $3,500. (Average, $4,500)

"Angels With Dirty Faces" (F.N.)
INDIANA—(3,200) (25c-40c) 2 days, 2nd week. Gross: $1,500. (Average, $5,000)

"Out West with the Hardys" (M-G-M)
"Adventure in Sahara" (Col.)
LOEW'S—(2,800) (25c-40c) 7 days. Gross: $13,000. (Average, $7,000)

"Nancy Drew, Detective" (W.B.)
LYRIC—(2,000) (25c-40c) 7 days. Stage: Herbie Kay's Orchestra. Gross: $9,000. (Average, $8,000)

To Build Ohio House

CINCINNATI, Dec. 8.—The Queen City Holding Co., composed of Nat Galley, local man; J. S. Jossey, Cleveland, and others, has acquired a site in suburban Elmwood on which a 750-seat house will be built.

Takes Waterbury House

WATERBURY, Conn., Dec. 8.—Nicholas Mascoli, operator of the Carroll, has taken over the 500-seat Garden from Steve Panora.

'Angels' $9,000 With 'Service' Is Top in Milwaukee

MILWAUKEE, Dec. 8.—"Angels With Dirty Faces" and "Service de Luxe," topped the week's takes with a $9,000 gross at the Warner.

Runnerup was "If I Were King" and "Thanks for the Memory," which grossed $8,400 at Fox's Palace. The Stroud Twins and "I Stand Accused" collected $6,800 at the Riverside.

Estimated takings for the week ending Nov. 30-Dec. 1:

"Angels With Dirty Faces" (F. N.)
"Service de Luxe" (Univ.)
WARNER—(2,400) (35c-50c) 7 days. Gross: $9,000. (Average, $5,000)

"Submarine Patrol" (20th-Fox)
"Down on the Farm" (20th-Fox)
WISCONSON—(3,200) (35c-50c) 7 days. Gross: $7,500. (Average, $8,000)

"If I Were King" (Para.)
"Thanks for the Memory" (Para.)
PALACE—(2,400) (35c-50c) 8 days. Gross: $8,400. (Average, $5,000)

"I Stand Accused" (Rep.)
RIVERSIDE—(2,300) (25c-30c) 7 days. Stage: The Stroud Twins. Gross: $6,800. (Average, $5,000)

"You Can't Take It With You" (Col.)
"The Gladiator" (Col.)
STRAND—(1,400) (35c-50c) 7 days, 2nd week. Gross: $4,800. (Average, $4,500)

'Cowboy' Rides 'Em In Buffalo $11,500

BUFFALO, Dec. 8.—"The Cowboy and the Lady" took the honors, with $11,500 at the Great Lakes. "Little Tough Guys in Society" dualled with "The Last Express" at the Lafayette, took a strong $9,100. "Submarine Patrol" held up well, drawing $7,800 at the Century.

Estimated takings for the week ending Dec. 3:

"The Shining Hour" (M-G-M)
BUFFALO—(3,000) (30c-55c) 8 days. Gross: $13,600. (Average, 7 days, $12,000)

"The Cowboy and the Lady" (U. A.)
GREAT LAKES—(3,000) (30c-50c) 9 days. Gross: $11,500. (Average, 7 days, $7,500)

"Stablemates" (M-G-M)
HIPPODROME—(2,500) (25c-40c) 9 days, 2nd week. Gross: $9,300. (Average, 7 days, $6,800)

"Submarine Patrol" (20th-Fox)
CENTURY—(3,000) (25c) 7 days. Gross: $7,800. (Average, $6,000)

"Little Tough Guys in Society" (Univ.)
"The Last Express" (Univ.)
LAFAYETTE—(3,300) (25c) 7 days. Gross: $9,100. (Average, $6,300)

'Hardys,' 'Manton' N. H. High, $11,500

NEW HAVEN, Dec. 8. — "Angels With Dirty Faces" and "Road to Reno" scored at the Roger Sherman with $8,400. "Out West with the Hardys" and "The Mad Miss Manton" grossed $11,500 in eight days.

Second week of "The Shining Hour" and "Blondie" did $2,800 at the College.

Estimated takings for the week ending Dec. 2:

"The Shining Hour" (M-G-M)
"Blondie" (Col.)
COLLEGE—(1,499) (35c-50c) 7 days, 2nd week. Gross: $2,800. (Average, $2,500)

"Out West With the Hardys" (M-G-M)
"The Mad Miss Manton" (RKO)
LOEW-POLI—(3,040) (35c-50c) 8 days and midnite show. Gross: $11,500. (Average, $8,000)

"Hold That Co-Ed" (20th-Fox)
"Gangster's Boy" (Mono.)
PARAMOUNT—(2,348) (35c-50c) 8 days. Gross: $4,400. (Average, $4,400)

"Angels With Dirty Faces" (W. B.)
"Road to Reno" (Univ.)
ROGER SHERMAN—(2,200) (35c-50c) 7 days. Gross: $8,400. (Average, $4,700)

Frisco Bows To "Angels" At $24,000

SAN FRANCISCO, Dec. 8.—"Angels With Dirty Faces," paired with "Listen Darling" at the Fox, took the lead with $24,000.

Also holding up unusually well were "You Can't Take It With Y[illegible] which drew $10,500 in second week at Orpheum, and "Cowboy and the Lady," drawing $10,000 in second week at United Artists.

Estimated takings for the week ending Nov. 29-Dec. 2:

"Peck's Bad Boy With the Circus" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days. Stage: vaudeville. Gross: $14,500. (Average, $16,000)

"The Cowboy and the Lady" (U.A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c-65c) 7 days, 2nd week. Gross: $10,000. (Average, $7,000)

"Submarine Patrol" (20th-Fox)
"Down on the Farm" (20th-Fox)
PARAMOUNT—(2,740) (15c-35c-40c-55c-75c) 8 days. Gross: $12,000. (Average, $13,000)

"You Can't Take It With You" (Col.)
ORPHEUM—(2,440) (15c-35c-40c-55c) 7 days, 2nd week. Gross: $10,500. (Average, $8,500)

"Angels With Dirty Faces" (W.B.)
"Listen Darling" (M-G-M)
FOX—(5,000) (15c-35c-40c-55c-75c) 7 days. Gross: $24,000. (Average, $17,000)

"Brother Rat" (W.B.)
"King of Alcatraz" (Para.)
ST. FRANCIS—(1,400) (15c-35c-40c-55c-75c) 7 days, 2nd week (moved over from Fox). Gross: $5,400. (Average, $7,000)

"The Shining Hour" (M-G-M)
"Arrest Bulldog Drummond" (Para.)
WARFIELD—(2,680) (15c-35c-40c-55c-75c) 7 days. Gross: $14,000. (Average, $13,000)

"Grand Illusion" (World)
CLAY—(400) (15c-35c-40c) 7 days, 4th week. Gross: $900. (Average, $1,300)

"Moonlight Sonata"
LARKIN—(390) (15c-35c-40c) 7 days, 6th week. Gross: $900. (Average, $1,300)

'Hardys' Is Omaha Best With $12,200

OMAHA, Dec. 8.—"Angels With Dirty Faces" grossed a strong $8,200 in seven days at the Brandeis, and was held for a second week.

"Out West With the Hardys," dualled with "Exposed," pulled a smash $12,200 at the Orpheum. "Shining Hour" and "Mysterious Mr. Moto" did a good $7,900 at the Omaha.

Estimated takings for the week ending Nov. 30:

"Angels With Dirty Faces" (F. N.)
BRANDEIS—(1,200) (25c-35c-40c) 7 days. Gross: $8,200. (Average, $4,000)

"Shining Hour" (M-G-M)
"Mysterious Mr. Moto" (20th-Fox)
OMAHA—(2,200) (25c-40c) 7 days. Gross: $7,900. (Average, $5,500)

"Out West With the Hardys" (M-G-M)
"Exposed" (Univ.)
ORPHEUM—(3,000) (25c-40c) 7 days. Gross: $12,200. (Average, $7,200)

"Drums" (U. A.)
"Swing That Cheer" (Univ.)
PARAMOUNT—(3,000) (25c-40c) 7 days. Gross: $4,500. (Average, $5,500)

Moreels Joins Monarch

PITTSBURGH, Dec. 8.—Edward Moreels, who left the Warner sales force here several months ago, has joined Lew Lefton's Monarch office as a salesman. He replaces Joseph Fleshin, who resigned recently to go with the Bien Theatre Poster Supply Co. in Cincinnati.

FCC Calendar

WASHINGTON, Dec. 8.—Hearings on broadcasting cases have been set by the Federal Communications Commission for hearings, as follows:

Dec. 15: Applications of Colonial Broadcasting Corp. for a 1,370-kilocycle station at Norfolk, with 100 watts night, 250 watts day; KLS, [illegible]kland, for increase of power from [illegible]0 to 500 watts; and WLAW, Lawrence, Mass., for extension of time from day to sunset at KPO.

Jan. 10: Applications of James F. Hopkins, Inc., a 1,400-kilocycle, 250-watt station at Ann Arbor; WJEJ, Hagerstown, Md., for increase of day power from 100 to 250 watts; WKOK, Sunbury, Pa., for extension of time from sharing to unlimited, and WSNJ, Bridgeton, N. J., for extension of time from day to unlimited with 100 watts night, 250 watts day.

Jan. 24: Application of St. Lawrence Broadcasting Corp. for a 1,310-kilocycle station at Ogdensburg, N. Y., with 100 watts night, 250 watts day.

Jan. 25: Applications of Bowling Green Broadcasting Co. for a 1,310-kilocycle station at Bowling Green, Ky., with 100 watts night, 250 watts day, and WALA, Mobile, Ala., for increase of night power from 500 to 1,000 watts.

Feb. 6: Applications of Central Broadcasting Corp. for a 1,500-kilocycle station at Worcester, with 100 watts night, 250 watts day; Kingston Broadcasting Corp. for a 1,500-kilocycle, 100-watt daytime station at Kingston, N. Y.; WCBS, Springfield, Ill., for change of frequency from 1,420 to 1,290 kilocycles and increase of power from 100 watts night, 250 watts day to 1,000 watts, and WSGN, Birmingham, for change of frequency from 1,310 to 1,290 kilocycles and increase of power from 100 watts night, 250 watts day, to 1,000 watts.

Feb. 20: Applications of Julius H. Dixon for a 1,500-kilocycle station at Tupelo, Miss., with 100 watts night, 250 watts day, and WLAC, Nashville, for increase of power from 5,000 to 50,000 watts.

Application for a new station to operate on 1,420 kilocycles with 100 watts power was filed by the Gazette Co., Cedar Rapids.

Other applications included WOC, Davenport, Ia., for change of frequency from 1,370 to 1,390 kilocycles, increase of power from 100 watts night, 250 watts day, to 1,000 watts, and move of transmitter from Davenport to Bettendorf, Ia., and WHBY, Green Bay, Wis., for authority to move from Green Bay to Appleton.

Hearings were set on the Suffolk Broadcasting Corp. for a 1,420-kilocycle station at Suffolk, Va., with 100 watts power night, 250 watts day; KAND, Corsicana, Tex., for extension of time from day to unlimited with 100 watts night, 250 watts day: WBNX, New York, for move of transmitter from Cliffside Park to Carlstadt, N. J., and increase of power from 1,000 to 5,000 watts; WEXL, Royal Oak, Mich., for change of frequency from 1,310 to 1,300 kilocycles and increase of power from 50 to 250 watts, and KRSC, Seattle, for increase of power from 250 to 1,000 watts.

▸ Radio Personals ◂

JIM BARRETT, president and editor of the Press-Radio Bureau, will speak Sunday over WBIL on "Frontiers of the News" . . . Nan Wynn, CBS singer, flies to Buffalo tonight to appear at the annual Variety Revue in that city. Remainder of the talent at the affair will be culled from the staff of the Buffalo Broadcasting Corp. . . . Jimmy Atkins, a discovery of Fred Waring, will make his network singing debut on Fred's program tomorrow night . . . Danton Walker of the *Daily News,* Hy Gardner of the *Brooklyn Eagle,* and Henry L. Jackson, editor of *Esquire,* will describe the ideal way to spend an evening in New York on WHN next Tuesday at 9:30 P.M.

'Good News' Show Renewed for Year

M-G-M's radio series, "Good News," has been renewed for 52 weeks, proof that the studio and sponsor, General Foods, are satisfied with the program. Previous renewals were for 13-week periods.

"Good News" started last year. It is heard Thursdays over 82 stations of the NBC-Red network, plus the CBC network in Canada. The renewal becomes effective Jan. 5, 1939. Benton & Bowles is the agency.

Another major Hollywood program which yesterday won a year's renewal is the Chase & Sanborn hour, broadcast Sundays over a 59-station hookup on the Red network. J. Walter Thompson is the agency.

Also renewed were General Electric's "Hour of Charm," for 13 weeks, through the Maxon agency, and Ward Baking's dramatic strip, "Jane Arden," also for 13 weeks. Sherman K. Ellis Co. is the agency.

CBS Artist Bureau Has Record Season

Columbia Artists Bureau, under the direction of Herb Rosenthal, this year has enjoyed its most prosperous season by virtue of a number of major deals recently closed. Deals which helped put the bureau over the top involve Orson Welles, Andre Kostelanetz, Raymond Paige, Raymond Scott, Hildegarde, H. V. Kaltenborn, Kay Thompson and others.

Welles and his Mercury players were sold by the bureau to Campbell Soup Co. for the series which starts tomorrow. In addition Columbia Artists set the orchestra under the direction of Bernard Hermann on the show. Kostelanetz and Miss Thompson were sold to the Ethyl Gas Co. for that series starting Jan. 12; Ray Scott to the American Tobacco Co. on the "Hit Parade"; Paige and a 100-piece orchestra, and Hildegarde to the U. S. Rubber Co., starting Feb. 22; Kaltenborn to Pathe News as consultant and adviser on foreign affairs.

Other deals include the booking of Ray Block's orchestra and the Eton Boys on the U. S. Tobacco series.

Vallee Heads Three NBC Show Renewals

Three important renewals, headed by the re-signing of the Rudy Vallee show, have been effected at NBC.

Vallee's show, sponsored by Standard Brands for Royal Dessert, has been taken up for another year, effective Jan. 5. Series is heard on the Red from 8 to 9 P.M. on Thursdays, over a 53-station hookup. J. Walter Thompson is the agency.

Fitch "Bandwagon," sponsored by the Fitch Co., a musical series which began in the fall, has been renewed for 52 weeks effective Jan. 8. It is broadcast from 7:30 to 8 P.M. on the Red. L. W. Ramsey Co., Davenport, Ia., is the agency.

Wander Co., sponsoring "Little Orphan Annie., script show based on the cartoon of that title, will be continued on the air for another year, through a renewal placed by Blackett-Sample-Hummert. Broadcast Mondays through Fridays, the series is heard on the Red at 5:45 P.M.

Begin New NBC Antenna

Installation has been started on new short-wave antenna by NBC for its foreign transmitters W3XL and W3XAL which will enable the network's international division to extend its service to Latin America to 16 hours a day, without diminishing the service to Europe, upon completion. The network is now broadcasting nine hours a day to Latin America.

NBC to Broadcast Film Critic Prizes

New York Film Critics will again make their annual awards, headed by their selection of the best picture of the year, over the NBC network. The awards are to be made public in a program from 7 to 7:30 P. M. over the Blue, on Jan. 6.

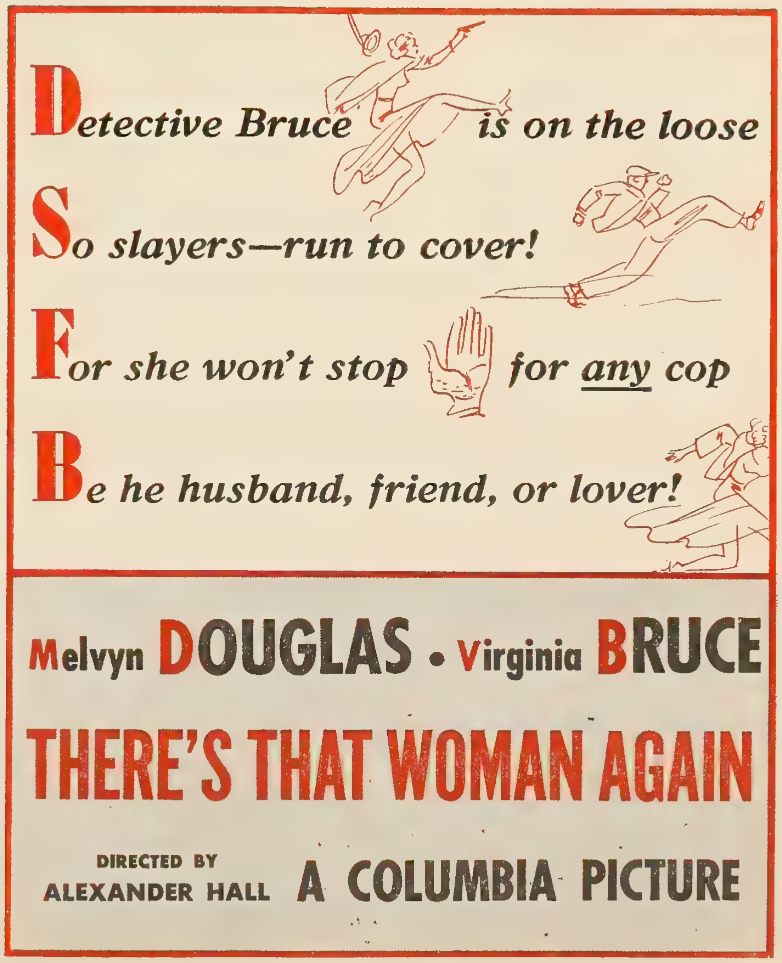
In the broadcast this year, NBC will dramatize a scene from the film selected as the year's best, and will present the actors and actresses to be cited by the critics. Also to be presented will be the best director, and a representative of the company receiving the award for producing the best foreign-made picture of the year. Critics who will be in charge of the broadcast are Howard Barnes of the *Herald Tribune,* William Boehnel of the *World-Telegram* and Frank Nugent of the *Times.*

Greet NBC Additions

Stations WRDO, Augusta, and WLBZ, Bangor, joining the NBC network Sunday, will be saluted with a special welcoming program to be broadcast at 3:30 P.M. over the Red. Originating in the Chicago studios, the dedicatory broadcast will include music by Roy Shield's orchestra and vocals by Vivian Della Chiesa and Charles Sears.

Finance Firm on WHN

Jefferson Personal Finance Co. has contracted for five 15-minute periods weekly over WHN, for 26 weeks. Roger B. Relkin placed the account.



Detective Bruce is on the loose
So slayers—run to cover!
For she won't stop for any cop
Be he husband, friend, or lover!

Melvyn DOUGLAS • Virginia BRUCE

THERE'S THAT WOMAN AGAIN

DIRECTED BY ALEXANDER HALL

A COLUMBIA PICTURE

N. Y. Theatres Map Plan for Abolition Of Cash Premiums

(Continued from page 1)

an equal number of representatives from the independent and affiliated and non-affiliated exhibitors. The 2-2-2 committee is to report back at a meeting tentatively called for Dec. 21.

There were about 100 showmen at the meeting and discussions were held from the floor. Two of the more important leaders present were Charles C. Moskowitz, executive operator of Loew's theatres, and John J. O'Connor, operating head of RKO theatres. Moskowitz pledged the cooperation of his circuit as soon as everybody else is willing to go along, and said that Loew's is even agreeable to lead the way. O'Connor asked the Commissioner whether his ban would apply to chance games in churches, fraternal halls and clubs. To this Moss replied affirmatively and indicated that it is something to be taken up with Mayor F. H. LaGuardia and Police Commissioner Lewis J. Valentine.

Walter Reade brought up the question of other commercial fields giving premiums, and expressed the opinion that as long as this persisted, exhibitors should be permitted the same privilege.

It was William Brandt who pointed out that there were theatres in New York giving away as much as $1,000 weekly, with the RKO Fordham distributing $300 per night, two nights of every week. Circuits operating in the Bronx, which are already said to have agreed to the ban, are Loew's RKO, Consolidated, Springer-Cocalis, Brandt, Moe Rosenberg, Ben Knobel and Strausberg-Leff.

20-Fox GB Deal Effective Monday

Announcement that 20th Century-Fox will handle all Gaumont British business in America was made yesterday and the deal will go into effect Monday.

Sidney R. Kent, 20th Century-Fox president, issued the following statement: "We have handled the physical distribution of Gaumont British for several years in this country. Naturally, there has been considerable duplication of costs in this arrangement, so, under the new plan, we will be able to make several economies both for Gaumont British and ourselves."

Arthur A. Lee, GB vice-president, may make a statement on his future plans early next week. He will not be associated with 20th Century-Fox under the new arrangement. Lee has a contract with GB which has about one year to go.

Marquee Bills to Mayor

Two bills which will permit nine-foot marquees instead of limiting them to two feet as they are under the present law were returned yesterday by the Board of Estimate to the Mayor's office for final action. The board refused to take jurisdiction over the legislation on the ground that no city appropriation was involved.

Interstate Gives $70,000 to Refugees; Art Drive Opens

Eleanor Roosevelt buys the first ticket from Jack Benny for the Motion Picture Art Fund for German Refugees. Arleen Whelan and Shirley Ross are at left and Kitty Carlisle is at right.

Mrs. Franklin D. Roosevelt yesterday inaugurated the ticket selling by the Motion Picture Art Fund for German Refugees by buying the first four tickets from Jack Benny.

With Paramount and Universal newsreel camera crews in action, in a room on the ninth floor of the Paramount Building, Benny told Mrs. Roosevelt he was happy to sell her the first 25-cent ticket to the art fund. The First Lady responded that she would be "happy to contribute." She handed Benny a dollar bill, thereby becoming the possessor of three additional tickets.

Distribution Is Under Way

Distribution is already under way of the expected total of 200,000 tickets for the drawing of art works contributed by prominent artists. It is planned to hold the drawing Feb. 12 on the steps of the City Hall, with Mayor F. H. LaGuardia officiating.

Four agencies for German refugee relief will benefit by $15,480.75, the sum collected through voluntary contributions by those attending the benefit premiere of "Pygmalion," sponsored by Nicholas M. Schenck at the Astor Wednesday night.

Interstate Collections Big

Dallas, Dec. 8.—A total of $70,000 is estimated to have been collected in the refugee benefit performances held in all 137 Interstate Circuit houses. It is expected $10,000 will have been returned by Dallas theatres alone.

Performances were held today in 14 theatres in Albuquerque and Fort Worth, and yesterday in 123 other Texas and New Mexico spots. The difficulty of checking on advance sales in outlying situations will make it impossible to obtain a complete check.

Boston Trans-Lux Benefit

Boston, Dec. 8.—A. W. Lauder, manager of the Trans-Lux here, acting on instructions from Major Leslie Thompson, president, and Percy Furber, board chairman of the circuit, has placed 100,000 tickets at the disposal of several local charitable organizations. The plan is designed to raise $25,000 for the relief of refugees from Germany.

Oklahoma City Host To Johnston, Weeks

Oklahoma City, Dec. 8.—W. Ray Johnston, Monogram president, and George W. Weeks, general sales manager, were guests of the city today at a special luncheon attended by Governor Marland, leading business men and film executives.

Following the luncheon by the Chamber of Commerce, Johnston and Weeks visited the ranch of Major Gordon W. Lillie (Pawnee Bill), accompanied by Cecil E. Maberry and Carr Scott, local Monogram branch heads. Present at the luncheon were the Griffith Brothers, Dinty Moore, T. B. Noble, Ralph Talbot, J. C. Hunter, Phil Isley, William Moran, A. B. Momand. The two expect to visit Tulsa as guests of that city after their stay here.

A. F. A. and Theatres Talk Stage Contract

Conference between Broadway theatre executives and the American Federation of Actors was held yesterday for discussion of demands by the union for a contract with houses which use vaudeville or stage shows. The union seeks a closed shop, $60 weekly minimum for principals, restriction on rehearsal time, dues check-off system, chorus minimums.

Attending yesterday's session were C. C. Moskowitz, Loew's; Major Thompson, RKO; Jack Partington, Fanchon & Marco; Irving Lesser, Roxy; Robert Weitman, Paramount; Frank Phelps, Warner, and Stanley Reid, of the Stanley Theatres. For the A.F.A., Harry Calkins, eastern organizer, and Charles Mosconi, treasurer, were present.

Boston Gives 'Corner' Twin Run $20,000

Boston, Dec. 8.—Dual of "Just Around the Corner" and "Arrest Bulldog Drummond" at the Fenway had the best take of the week, comparatively. At the Paramount the [illegible] took $11,000. Close behind were "Swing That Cheer" and "Drums" at the Keith Memorial, with $17,000; "The Citadel" and "Blondie" at the Loew's Orpheum, doing $16,000, and "Angels with Dirty Faces" and "Down on the Farm" at the Metropolitan, also taking $16,000.

Estimated takings for the week ending Dec. 7:

"Drums" (U. A.)
"Swing Cheer" (Univ.)
KEITH MEMORIAL—(2,970) (25c-35c-40c-55c) 7 days. Gross: $17,000. (Average, $13,000)

"Angels With Dirty Faces" (W. B.)
"Down on the Farm" (20th-Fox)
METROPOLITAN—(4,332) (25c-35c-40c-55c) 7 days. Gross: $16,000. (Average, $12,500)

"The Citadel" (M-G-M)
"Blondie" (Col.)
LOEW'S ORPHEUM—(2,907) (25c-35c-40c-55c) 7 days. Gross: $16,000. (Average, $12,000)

"The Citadel" (M-G-M)
"Blondie" (Col.)
LOEW'S STATE—(3,537) (25c-30c-40c-55c) 7 days. Gross: $10,000. (Average, $10,000)

"Just Around the Corner" (20th-Fox)
"Arrest Bulldog Drummond" (Para.)
PARAMOUNT—(1,790) (25c-35c-40c-55c) 7 days. Gross: $11,000. (Average, $8,500)

"Just Around the Corner" (20th-Fox)
"Arrest Bulldog Drummond" (Para.)
FENWAY—(1,382) (25c-35c-40c-55c) 7 days. Gross: $9,000. (Average, $4,500)

'Cowboy' $7,850 In Oklahoma City

Oklahoma City, Dec. 8.—"The Cowboy and the Lady" did the best business here, with $7,850 at the Criterion. Dual of "The Mad Miss Manton" and "A Man to Remember" at the Liberty took a strong $4,000.

"Girls' School" and "Romance of the Limberlost" at the State, and "The Young in Heart" at the Tower, were fair.

Estimated takings for the week ending Nov. 30:

"The Cowboy and the Lady" (U. A.)
CRITERION—(1,500) (25c-35c-40c) 7 days. Gross: $7,850. (Average, $5,200)

"A Man to Remember" (RKO)
"The Mad Miss Manton" (RKO)
LIBERTY—(1,200) (20c-25c) 7 days. Gross: $4,000. (Average, $2,500)

"Just Around the Corner" (20th-Fox)
MIDWEST—(1,500) (25c-35c-40c) 7 days. Gross: $4,000. (Average, $4,500)

"Girls' School" (Col.)
"Romance of the Limberlost" (Mono.)
STATE—(1,100) (20c-25c) 7 days. Gross: $3,500. (Average, $3,000)

"The Young In Heart" (U. A.)
TOWER—(1,000) (25c-35c) 7 days, 2nd week. Gross: $2,600. (Average, $2,500)

K-A-O Votes Dividend

Dividend of $3.50 per share on the seven per cent cumulative convertible preferred of Keith-Albee-Orpheum was declared by the company's board yesterday, payable Dec. 23 to holders of record on Dec. 19. The dividend, payable out of capital surplus, is for the quarters ended Dec. 31, 1935, and March 31, 1936.

F A M E

The Audit of Personalities

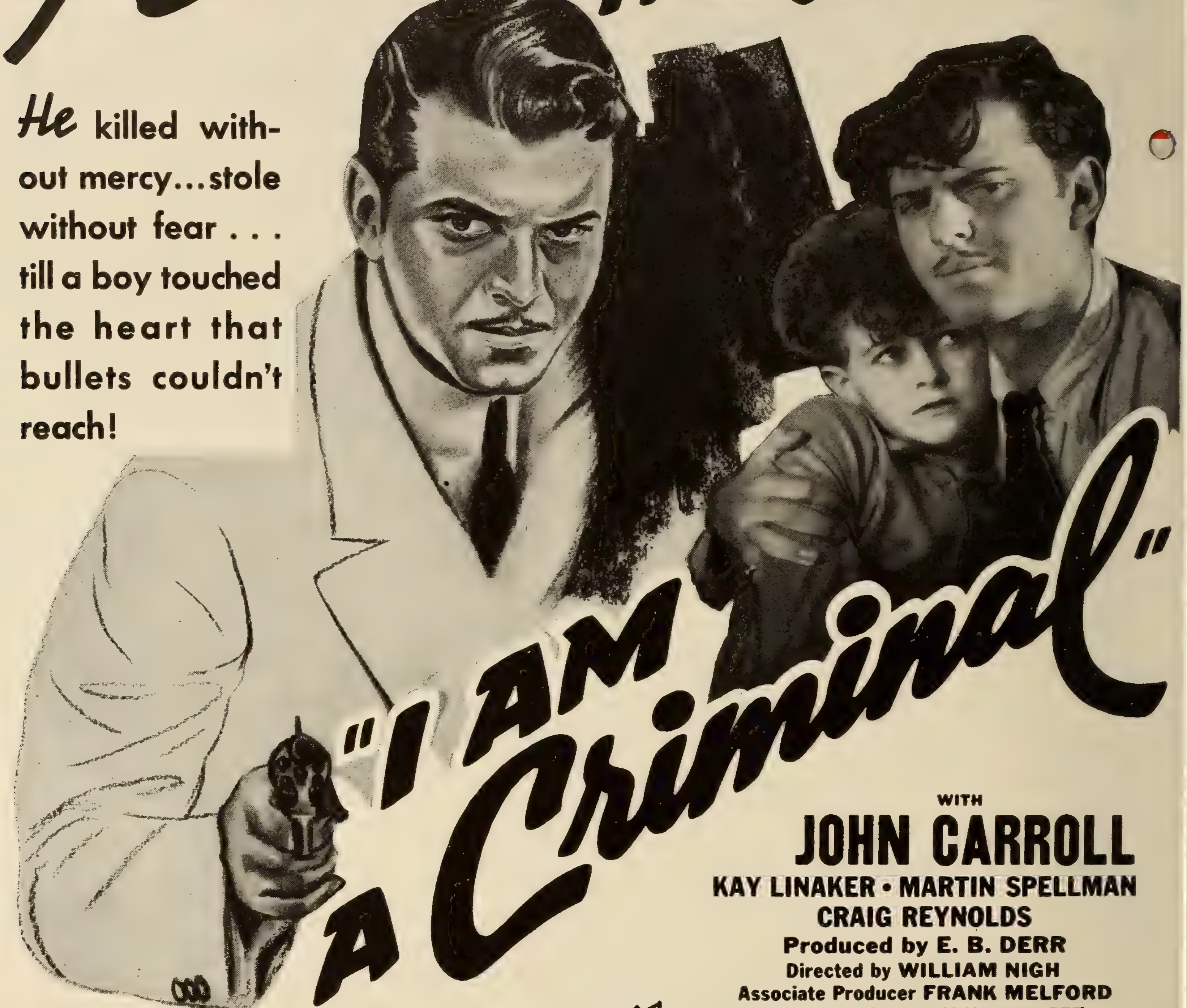
SCREEN
RADIO
CONCERT

Now in preparation by the world-wide staff of Quigley Publications — edited by Terry Ramsaye

NEW YORK • CHICAGO • LONDON • HOLLYWOOD

"I Break the Law!"

He **killed without mercy...stole without fear . . . till a boy touched the heart that bullets couldn't reach!**



"I AM A Criminal"

WITH

JOHN CARROLL

KAY LINAKER • MARTIN SPELLMAN
CRAIG REYNOLDS
Produced by E. B. DERR
Directed by WILLIAM NIGH
Associate Producer FRANK MELFORD
Screenplay by JOHN W. KRAFFT
Story by HARRISON JACOBS

"One of Monogram's best offerings. Good action entertainment for the entire family and a credit to Monogram." —Jay Emanuel

"Will give action fans more than usual allotment of solid entertainment. Carroll, Spellman top capable cast." —Hollywood Reporter

"It packs more entertainment value than many a million dollar colossal." —Jimmie Fidler

"Monogram scores with fine story that should please any audience. Well directed, splendidly cast, fine production values." —Showmen's Trade Review

"Setting a new and higher standard of production for Monogram, it moves forward as that organization's strongest bet this year. Human story, splendid characterizations and excellent mounting." —Daily Variety

MONOGRAM PICTURES MPC

A MONOGRAM PICTURE

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 44. NO. 114 NEW YORK, MONDAY, DECEMBER 12, 1938 TEN CENTS

AFRA Submits Network Base Pay Schedule

Agency Group to Render Decision Dec. 22

Efforts of the American Federation of Radio Artists to obtain a contract for radio artists appearing in sponsored network programs neared a climax over the weekend when the radio guild submitted to a committee of the American Association of Advertising Agencies a contract governing minimum artists' pay, and a code of fair practice. The 4-A's will render its decision on Dec. 22.

The standard contract provides that artists and announcers may not be discharged, except for cause; that players and announcers may not be used except for live broadcasts unless the client or agency receives the approval of the artists and A.F.R.A.; that the

(*Continued on page 5, column 2*)

Additional developments in radio on page 5.

Blumberg Is Due in New York on Friday

Hollywood, Dec. 11.—Nate J. Blumberg, president of Universal, will leave here on Tuesday for New York. He will arrive either Friday or Saturday.

Lubitsch Expected To Produce for UA

That Ernst Lubitsch will produce for United Artists appears fairly certain. Discussions are said to have reached a definite stage. If a deal is concluded, it may run for five years, under which Lubitsch perhaps would make at least one picture a year for United Artists distribution. He would provide his own financing.

Naturally, this Lubitsch deal cannot become effective this season. The indications are that a deal may be concluded whereby Lubitsch will join the United Artists roster for the 1939-'40 program.

Arbitration Will Be Up to the Exhibitors

Exhibitors, themselves, are to determine whether it shall be arbitration or conciliation. The distributors, engaged in formulating trade practice reforms, are leaving it up to the exhibitors. Such exhibitor determination may be had in January, at meetings of the various exhibitor groups to discuss terms of the draft on trade practice reforms, which is now before them.

Of course, once this is determined, the industry's next problem will be to set up the machinery for putting the reform in practice. That will consume considerable effort and time.

As everybody knows, decisions are

(*Continued on page 8*)

MAJORS WILL SEEK BASIS FOR DECREE

To Advise Government of Concessions Which They Can Make

Within the next month, counsel for the major companies, defendants in the pending anti-trust suit in New York, will begin the preparation of terms which may form the basis for a consent decree in this suit. Naturally, this draft will embody all the considerations from the viewpoint of the companies.

Block booking also will be covered in this plan on the basis that it is treated in the trade practice program.

It is still questionable whether the Department of Justice will be amenable to a consent decree which shall be lacking in provision for separation of exhibition from production and distribution, and definite prohibition of block booking.

Government Determined

It had been previously indicated in Washington that the government's attitude, insofar as divorcement is concerned, is inflexible—that the Government is determined that there shall be divorcement.

Some company counsel on occasions have indicated to the Government their clients' reluctance to yield on theatre divorcement. On the other hand there

(*Continued on page 4*)

U. S. Firms Won't Yield to Italy; See Trick in Extension

Despite Italy's decision to extend for six months the privilege of doing business in that country to four American distributors, the American companies will not yield, but will withdraw from Italy as soon as convenient.

There has been no change in the status of these companies as regards Italy. Although, pro forma, a meeting in Paris will be held this week by continental managers of American distributors, that meeting is expected to bring about a reaffirmation of the American determination to withdraw from Italy.

Trick in Italy's Decision

There is a trick in Italy's decision to extend the privilege of doing business to four American companies—Columbia, RKO, United Artists and Universal—that is that these companies have to convert their contracts at the expiration of this extended period, anyway.

In June these four companies, under this new edict, must turn over their business to Rome on a flat rate basis. on terms dictated by Rome. This flat rate, a scheme by which Rome is trying to take away the distribution business of the American film companies, runs perhaps from 20 to 35 cents on the dollar. It is understood that Rome is offering somewhere between 10,000,000 and 20,000,000 lira flat for all the American business, while the American business runs to approximately 100,000,000 lira a year. In American money that might mean, all told, about $4,000,000. Rome is offering about $1,000,000 or less, according to estimate.

Chicago Case Goes Over Until Jan. 16

Chicago, Dec. 11.—Federal Judge Woodward on Friday took under advisement the motions for a bill of particulars in the Government anti-trust suit against Balaban & Katz and major distributors, and said he will act on the motions on Jan. 16.

On the January date, the judge indicated, he also will set a time for the filing of the answers.

Goldwyn Offered Shearer $250,000

That Norma Shearer, although offered $250,000 a film, plus 50 per cent of the profits by Samuel Goldwyn, preferred a contract with Metro for two pictures a year at $150,000 a picture, plus a profit-sharing arrangement, was revealed in the trial of the minority stockholders suit against Loew's, before Justice Louis A. Valente, in the N. Y. Supreme Court Friday.

It was also shown that the Metro payroll in the last few months had been reduced considerably. There were depositions read at this trial by defense counsel, including those of Al Lichtman, David Bernstein, Louis B. Mayer. Edgar Mannix and former Federal Judge John R. Hazel. Judge Hazel was a former trustee of the old Film Securities Co.

Britain Anticipates Drought Of Own Films This Summer

British production has slackened and England is faced with a drought of native-made films, in the summer. This view was brought back from England by John W. Hicks, vice-president in charge of foreign films for Paramount, who returned on the *Aquitania,* Friday, accompanied by David Rose, Par's boss of British production.

Adolph Zukor leaves for London about Dec. 31. He becomes the liaison between Paramount's American and European operations, serving in a consultory and supervisory capacity.

Post of managing director for Paramount, in London, is still held by Hicks, but he will relinquish this post as soon as the company decides upon a qualified permanent successor to John C. Graham, who resigned some weeks ago.

David Rose has been abroad for three months, studying the London production side. He will present his views to the company board, while here, sailing back for England, next Saturday.

Present plans are for Paramount to make seven quota films, if possible, for the coming year, and 10-12 films in London, for the year following. First on the schedule will be "French Without Tears," a double-quota film and "Hatter's Castle," by A. J. Cronin, a triple-quota product is also listed.

C. J. Dickinson has been named general sales manager of Paramount Film Service, Ltd.

◂ *Purely Personal* ▸

FELIPE MIER, president of CISA, Spanish language film producer in Mexico, arrived here Saturday for conferences with the home office executives at United Artists.

•

GARY COOPER, accompanied by his wife, returned from a month's vacation in Europe on the *Aquitania* Friday. He starts work on his next Goldwyn picture, "The Last Frontier," in January.

•

LOUISE ROUSSEAU, assistant to FRANK DONOVAN, RKO Pathe production manager, will return about the end of the year from a nationwide tour visiting exhibitors.

•

W. A. SCULLY and F. J. A. McCARTHY of Universal returned to New York over the weekend from a tour of the company's southern exchanges.

•

GEORGE TRENDLE of United Detroit Theatres returned to Detroit over the weekend after several days of conferences at the Paramount home office.

•

KARL MACDONALD, Latin America supervisor for Warners, left last night on a week's business trip to Havana and Kingston.

•

JAMES MULVEY, SAMUEL GOLDWYN'S eastern representative, returns from the coast today.

•

SIG WITTMAN, assistant to EDDIE ALPERSON, is confined to his home with a cold.

•

W. G. VAN SCHMUS, managing director of the Music Hall, returned on Friday from a periodic visit to the coast.

•

JEAN BENOIT-LEVY, director of "La Maternelle" and "Ballerina," leaves Paris this week for a New York visit.

Dual "Wings" Premiere

Warners will open "Wings of the Navy" at the U. S. Naval Stations at Pensacola, Fla., and San Diego, Cal., simultaneously, in February.

'Unreasonable' RKO Order May Be Eased

Application for modification of an order calling for stockholders to present their certificates to the court upon filing their approval of the Atlas reorganization plan for RKO was made Friday before Judge Bondy. He indicated that he would consent to modification unless that action should conflict with provisions of the Chandler Act. He termed the original order "unreasonable."

All attorneys present consented to the application except John S. Stover, attorney for Ernest W. Stirn. He objected on the ground that his client was the only one who had filed his consents properly.

Insiders' Outlook

IT'S the cause that counts, and being called upon to appear at five benefits on the night of Dec. 15 for the relief of the German Jewish refugees, doesn't stop Grant Mitchell. On that evening he is to appear at the Hunts Point Palace in the Bronx; Audubon Ballroom, Bronx; Bronx Winter Garden; Riverside Plaza and the Academy of Music, Brooklyn. That's some itinerary! Mitchell is head of the Motion Picture Division of the Christian Committee for the Relief of Jewish Refugees. Hon. John J. Bennett, Jr., is chairman.

▼▼

Hans J. Mamlok, Jewish refugee from Germany, who was a professor and dental authority in Berlin, considers himself libeled in the anti-Nazi film, "Professor Mamlock" because in that Russian-made picture the principal character in the story, whose name is similar to the former professor's, is portrayed as a Communist. The suit is now pending in the N. Y. Supreme Court. Mamlok seeks to enjoin distribution of the Amkino film.

▼▼

Recent investigation by the N. Y. Department of Education in Albany shows that the average secondary school pupil spends at least one-third of his spare time listening to the radio.

▼▼

Terre Haute is quite excited about its legit season, more plays having been shown there this fall than in recent years, and the turnout has been pretty good.

▼▼

To overcome the pre-Christmas slump, the Hamrick-Evergreen theatres in Seatle have organized their employes in a "Good Will Club." Under that grouping the employes conduct an intensive personal ticket-selling campaign among friends and acquaintances, with a prize of $50 offered to the one selling the largest number of tickets, and the tickets being good for any one of the circuit's five Seattle houses during Dec. 11-24. Special loge-seat service is offered purchasers of this kind of tickets.

▼▼

Seattle's making a fuss over the presence in that city of John Considine, Jr., Metro producer, because he was born there. Considine is now in that northwest town obtaining atmosphere and location stuff for the picture, "Seattle," which he is to make for the company. It is a story about the Alaska gold rush days of 1898.

▼▼

RCA Victor has a new brochure of music for the ballet on release. This brochure presents a lucid history of the ballet, in in addition to listing Victor recordings of such music. Richard Gilber is author of a treatise on the ballet for the booklet. The brochure's catalog of selections includes such works as Rimsky-Korsakov's "Scherezade," "Les Sylphides," Alexander Borodin's "Prince Igor" and Stravinsky's "L'Oiseau de Feu." .

▼▼

In Australia during 1938 there were only eight films produced, according to Department of Commerce reports. British films were the chief competition to American product.

At the end of 1938 there were 1,371 theatres in the Commonwealth. Total seating capacity was 1,100,000.

The Australian censors examined 1,712 films in 1937. Of these 67.3 per cent, or 1,152, were from the United States. These figures include short subjects. Britain—26.8 per cent, or 459; other countries exported to Australia 5.9 per cent, or 101. It will be remembered, of course, that British films come in duty free to Australia, while those of other countries are dutiable at eight pence a foot; that means about 1.6 cents ($0.16). It is on account of this duty that only American negatives are shipped to Australia, the positives being made in that country.

▼▼

Apparently unwilling to assume the burden of proving the constitutionality of the Ascap regulatory measures in Colorado, theatre managers in Denver are not pressing any action at this time which, of course, means that nobody else will try to introduce an anti-Ascap bill in that legislature. Presumably those Denver theatre men want to see how such prohibitory laws are handled in other states. That's why they are being cautious now.

Durst Sent to Coast By Int'l Projector

Jack Durst of International Projector Corp. has been assigned as factory representative in Hollywood.

Durst has been identified with the development of the new Simplex Four Star Sound Equipment. His experience in the industry dates back to 1928.

"Waltz" Test Finals At Waldorf Tonight

National finals of M-G-M's "Great Waltz" contest to determine the best amateur waltz couple will be held tonight at the Waldorf-Astoria with the entire proceeds going to the Red Cross. Winning couples from the 12 zone contests will compete for a three-month contract at the M-G-M studios.

National Movement For Nazi Boycott Started on Coast

HOLLYWOOD, Dec. 11.—President Roosevelt and Congress will be petitioned by some 20 to 30 million people to declare an economic boycott against Germany if a movement started l by a group of outstanding motion picture figures proves successful.

Meeting at the home of Edward G. Robinson, some 60 stars, writers, directors and producers made a preliminary draft of the petition which will be given national circulation through theatres, clubs, churches and schools for additional signatures. The petition calls for dissolution of all economic connection with Germany through embargo and boycott.

The meeting was presided over by Melvyn Douglas. Others who attended and signed the anti-Nazi petition include Paul Muni, Bette Davis, Fred Astaire, Joan Bennett, Claudette Colbert, Gale Sondergaard, John Cromwell, George Cukor, Miriam Hopkins, Rosemary Lane, Anatole Litvak, Aline McMahon, Robert Montgomery, Groucho Marx, John Ford, Fay Bainter, Ginger Rogers, Claude Rains, Martha Raye, Gloria Stuart, Jack L. Warner, Walter Wanger, and Carl Laemmle.

Move "Wreckage" Suit

ALBANY, Dec. 11.—Legal action of Cinema Service Corp. to compel the N. Y. censor board to issue an exhibition license for "Human Wreckage," social hygiene film, has been transferred to the Appellate Division by Justice Francis A. Bergan of the state Supreme Court, in accordance with the precedent set last year in a similar action involving licensing of "Tomorrow's Children."

G N in AP Building

Educational and Grand National moved into their new consolidated headquarters in the recently completed Associated Press Building in Radio City over the weekend. Educational vacated the Paramount Building, where its home office has been for more than 10 years.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco. New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

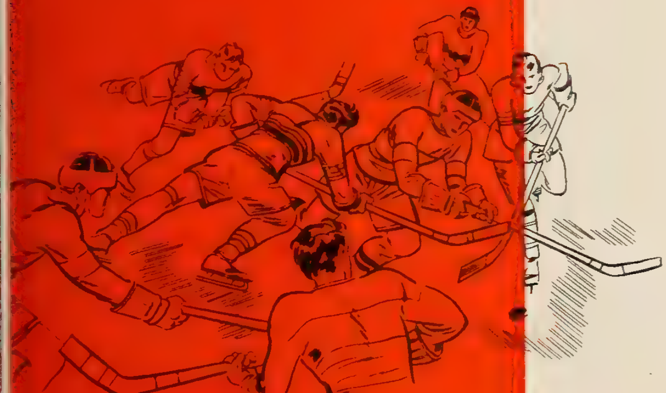
BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square. W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23. 1938, at the post office at New York, N. Y.. under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

HERE COME FIGHTING MEN . . .

...marching into RADIO CITY MUSIC HALL, Thursday, December 15th . . . in step with the high traditions of America's Number 1 theatre. A story of youth winning its badge of courage . . . cheered tumultuously at its preview...made by the producer of "The Count of Monte Cristo" and "Last of the Mohicans".



EDWARD SMALL
presents

THE DUKE OF WEST POINT

with
OUIS HAYWARD • TOM BROWN
ICHARD CARLSON • ALAN CURTIS
JOAN FONTAINE
irected by ALFRED E. GREEN
riginal Screenplay by GEORGE BRUCE
ELEASED THRU UNITED ARTISTS

Hidden Clause in U. S.-Canada Pact Cuts Negative Tax

TORONTO, Dec. 11.—A hidden clause in the trade agreement between the United States and Canada has brought a hitherto unannounced reduction in the Canadian duty on film negatives imported from the States from 32½ to 27½ per cent. This concession was not realized at the time the pact was signed at Washington when general details were revealed because of the ambiguous wording of the clause governing the importation of negative films.

The actual description, as taken from the agreement, reads: "Manufactures of pyroxylin plastics, or of which pyroxylin plastic is the component of chief value."

According to experts of the Customs and Excise Divisions of the Department of National Revenue, this means exposed negative films, among other things, and accordingly the film industry in the Dominion gains another benefit under the pact which will become effective Jan. 1. This change is comparable with the reduction in duty on positive prints from three cents to 2¼ cents per linear foot. The special three per cent excise tax is also to be removed, of course.

No change has been made in the Canadian tariff on imports of 16 mm. films from the U. S., which remains at 20 per cent ad valorem.

Metro Gets Xmas Bill at Music Hall

Another Metro picture will play the Music Hall during Christmas Week. It is "Christmas Carol." This is the third Metro film to play the Music Hall this season. It is not unlikely that before the season expires other Metro pictures will play the Music Hall.

These deals have no effect on the Capitol, Broadway, which is operated by Loew's. The transactions with the Music Hall on individual pictures are entirely separate deals, distinctly unrelated to the Capitol Theatre, or Loew's operation of same.

Majors Will Seek Basis for Decree

(*Continued from page* 1)

are certain defendants who are now trying to determine how to accomplish divorcement on their end. The purpose of such a draft as that which is to be prepared, it is understood, is primarily to furnish a starting point from which negotiations can be pursued toward achieving a final settlement of the case and a formal consent decree, which shall be feasible to the defendants and meet the Government's demands at the same time.

It is understood that submitting such a draft or the preparation of the same commits the defendants to nothing. In receiving such a draft and discussing it with the defendants, the Government is not committing itself.

Completion of the industry's trade practice program may speed and simplify the work of preparing an initial draft for Washington's perusal on the trust case.

Marcus Loew Holders In Dividend Protest

TORONTO, Dec. 11.—Shareholders of Marcus Loew's Theatres, Ltd., holding 698 shares of preferred stock, have entered protests to the officers of the company to what is declared to be inadequate liquidation of arrears in dividends on the stock, which now amount to $38.50 per share following the current payment of $3.50 for the half-yearly period ending Sept. 30, 1934.

In a letter, it is pointed out that working capital was built up from $14,926 to $264,999 in the period from Jan. 2, 1932, to Aug. 26, 1937, during which time a substantial amount was spent on redecorating, it is declared. No dividends were paid for many years up to June 30, 1934.

Mono. Adds New Office

NEW HAVEN, Dec. 11.—Monogram Pictures has opened new offices in the Film Building, with Philip Sherman as manager. Nat Furst will be at the office monthly.

Hold Alterman Rites

Funeral services were held Friday for Herman Alterman, brother of Jack Alterman, owner of the Savoy, Jamaica, L. I. Two other brothers, Samuel and Louis, survive.

Whale Wants Junior Fairbanks in Picture

James Whale, director, has talked with Douglas Fairbanks, Jr., about taking a role in "The Man With the Iron Mask" which was once played by Douglas Fairbanks, Sr., in silent days. Both returned on the *Aquitania* Friday. Whale goes to the coast next week to direct the film for Edward Small, U. A. producer.

Canada ITA Accept 1939 Royalty Fees

TORONTO, Dec. 11.—Independent Theatres Association of Canada have not prepared any objections to the proposed schedule of fees to be imposed against theatres in 1939 by the Canadian Performing Right Society, as no change had been made by the musical copyright body for theatre license rates for the coming year. The annual fee for theatres scales up to 15 cents per seat.

Broadcasting stations, hotels and other places of amusement entered complaints before the Federal Copyright Appeal Board Friday, however, because of substantial increases in fees for performance of musical works, and these were taken under advisement by the board.

Censor British Reel

LONDON, Dec. 11.—British Censor Board yesterday refused an exhibition certificate for "England Expects—," a topical reel concerned with bombing of British ships by Spanish nationalists. Cuts were demanded, but the distributor has threatened to screen the film in the West End, Monday, regardless.

Womersley for C. E. A.

LONDON, Dec. 11.—Sir Walter Womersley, assistant Postmaster General, will be guest speaker at the C. E. A. banquet here Tuesday.

Rangers to See "Duke"

Lester Patrick and his New York Rangers hockey players will be accorded a special preview showing of Ed Small's "Duke of West Point" at United Artists Preview Theatre tonight.

Detroit Goes for "Angels" and "Get" To Tune of $20,000

DETROIT, Dec. 11.—Michigan did well with the double bill, "Angels with Dirty Faces" and "Hard to Get" for a take of $20,000. "Submar Patrol" gave the Fox $16,000. Second week of "Out West with the Hardys" drew $7,000 at the United Artists.

Estimated takings for the week ending Dec. 9:

"Dark Rapture" (U.)
"The Road to Reno" (U.)
ADAMS—(1,700) (15c-40c) 7 days. Gross: $4,300. (Average, $5,000)
"Submarine Patrol" (20th-Fox)
FOX—(5,000) (20c-65c) 7 days. Stage: Don Cummings, Boy Foy, Dorn Bros. and Mary, Rhythm Pals, Armin Franz, The Biltmorettes. Gross: $16,000. (Average, $20,000)
"Angels with Dirty Faces" (W. B.)
"Hard to Get" (W. B.)
MICHIGAN—(4,000) (20c-65c) 7 days. Gross: $20,000. (Average, $15,000)
"Mars Attacks the World" (U.)
"Prison Train" (Col.)
PALMS-STATE—(3,000) (15c-50c) 7 days. Gross: $5,300. (Average, $6,000)
"Out West with the Hardys" (M-G-M)
UNITED ARTISTS—(2,000) (20c-50c) 7 days, 2nd week. Gross: $7,000. (Average, $10,000)

'Angels' and 'Girls' $7,400 in Seattle

SEATTLE, Dec. 11.—"Angels with Dirty Faces," dualled with "Meet the Girls" at the Orpheum, took a strong $7,400 to lead the way. "The Young in Heart" and "Service de Luxe" was good for $7,600 at the Fifth Ave., and "Flight Into Nowhere" and "Kid Mouthpiece" at the Palomar took $5,900.

Estimated takings for the week ending Dec. 9:

"Stablemates" (M-G-M)
"Touchdown Army" (Para.)
BLUE MOUSE—(950) (30c-40c-55c) 7 days, 4th week. Gross: $3,000. (Average, $4,000)
"The Young in Heart" (U. A.)
"Service de Luxe" (Univ.)
FIFTH AVENUE—(2,500) (30c-40c-55c) 7 days. Gross: $7,600. (Average, $7,000)
"Drums" (U. A.)
LIBERTY—(1,800) (20c-30c-40c-55c) 7 days, 3rd week. Gross: $3,900. (Average, $5,000)
"The Shining Hour" (M-G-M)
"Road Demon" (20th-Fox)
MUSIC BOX—(950) (30c-40c-55c) 7 days, 2nd week. Gross: $3,300. (Average, $4,000)
"Angels With Dirty Faces" (F. N.)
"Meet the Girls" (20th-Fox)
ORPHEUM—(2,450) (30c-40c) 7 days. Gross: $7,400. (Average, $6,000)
"Flight Into Nowhere" (Col.)
"Kid Mouthpiece" (Rep.)
PALOMAR—(1,500) (15c-25c-35c-40c) 7 days. Major Bowes' "Rodeo Rhythm" unit on stage: Gross: $5,900. (Average, $5,000)
"If I Were King" (Para.)
PARAMOUNT—(3,050) (30c-40c) 7 days, 2nd week. Gross: $6,200. (Average, $6,000)

Pre-Holiday Slump Hits B'way Grosses

Broadway houses continued slow in the pre-holiday lull. Bad weather also affected grosses. "Just Around the Corner" grossed an estimated $25,000 at the Roxy. Second week of "Angels With Dirty Faces" drew an estimated $42,000. It will continue for four weeks. "The Cowboy and the Lady" grossed an estimated $71,000 in its second week at the Music Hall, and "The Great Waltz" did an estimated $26,000 at the Capitol.

"Watch it grow!"
YESTERDAY 235
249
NEW YEAR'S BOOKINGS
"SWEETHEARTS"
(it's the M-G-M Jeanette MacDonald Nelson Eddy Technicolor Sensation!)

AFRA Submits Basic Network Pay Schedule

(Continued from page 1)

client and agency must defend actors and announcers from civil or criminal suits arising from their appearances in the show, and pay all charges and judgments arising from such suits.

In its code of fair practice, A.F.R.A. stipulates that it will keep its union open and admit to membership all eligible radio artists; asks for a closed shop status in that agencies may employ only artists who are members of A.F.R.A.; that all disputes will be subject to arbitration; that only standard A.F.R.A. artists' contracts are to be used by the agencies; that the agencies do not transfer their responsibility to the artists to a third party.

It provides that the contract, if it receives 4-A approval, is to remain in effect until January 15, 1940.

Covers All Talent

Fees for actors are provided as follows: $15 for 15-minute programs, or less, and an additional $10 for re-broadcasts; $25 for programs of 16-30 minutes, and $12.50 additional for re-broadcasts; $35 for programs of 31-60 minutes, and $17.50 additional for re-broadcasts. For rehearsals, actors are to receive $6 per hour for the first hour, and $3.50 per half-hour thereafter. Auditions by actors are to be paid for at one-half the broadcast fee, and rehearsal time for auditions is to be paid for at the same rate as for a regular engagement.

Singing Group Schedule

Payments for singing groups are covered as follows:

Groups of nine or more voices: $14 each member of group for a 15-minute program or less and $7 additional for re-broadcast; $16 each for programs of 16-30 minutes and $8 additional for re-broadcast; $18 each for programs of 31-45 minutes and $9 additional for re-broadcast; $20 each for programs of 46-60 minutes and $10 additional for re-broadcast. Rehearsals with orchestra, and coaching rehearsals are to be paid for at a $4 per hour fee, and $1 per quarter-hour thereafter.

Groups of five to eight voices: $24 each for 15-minutes or less and $12 additional for re-broadcast; $28 each for programs of 16-30 minutes and $14 additional for re-broadcast; $32 each for programs of 31-45 minutes and $16 additional for re-broadcast; $36 each for programs of 46-40 minutes and $18 additional for re-broadcast. Rehearsal fees for groups of this number are to be the same as paid to the larger group.

Groups of two to four voices: $30 each for 15-minutes or less and $15 additional for re-broadcast; $35 each for programs of 16-30 minutes and $17.50 additional for re-broadcast; $40 each for programs of 31-45 minutes and additional $20 for re-broadcasts; $45 each for programs of 46-60 minutes and additional $22.50 for re-broadcast. Rehearsal fees for this group are to be $5 per hour for the first hour and $1.25 per quarter-hour thereafter.

List Soloists' Pay

Fees for soloists are provided as follows:

Payment of $40 for programs of 15 minutes or less and $20 additional for re-broadcast; $50 for programs of 16-30 minutes and $25 additional for re-broadcast; $60 for programs of 31-45 minutes and $30 for re-broadcast; $70 for programs of 46-60 minutes and additional $35 for re-broadcast. For orchestra rehearsals, soloists are to receive $6 for the first hour and $1.50 per quarter-hour thereafter. Auditions by soloists are to be paid for at half the regular broadcast fee, and the same for rehearsals for auditions.

The contract further specifies minimum working conditions for singers.

Any re-broadcast performance must begin within 24 hours of the original broadcast to be considered a re-broadcast, otherwise the first-performance fee prevails. Further, no rehearsal is to be considered as less than an hour in duration except such rehearsals as are called immediately before or after a performance. However, singers may be required to stand by 15 minutes before a performance without payment of rehearsal fee. Also, orchestra rehearsals for singers may not be divided into more than two sessions; there must be a five-minute rest period in each hour in rehearsals lasting more than an hour; individual members of singing groups cannot be discharged save for cause as long as the group remains on a program, or for 13 weeks, whichever is less; where a member or members of a group are required as soloists, applicable scale is to be paid.

Announcers' Payment

Scale of payment for announcers is as follows:

Pay of $15 for programs of 15-minutes or less, with $10 additional for re-broadcast; $25 for programs of 16-30 minutes, with $12.50 additional for re-broadcast; $35 for programs of 31-60 minutes, with $17.50 additional for re-broadcast.

For rehearsals, announcers are to receive $6 per hour. Rehearsals for programs in excess of 15 minutes may be held in two sessions. Where an announcer is engaged for a program for a guaranteed term of not less than 13 weeks on a 15-minute program broadcast three times or more a week, the following compensation is provided:

Three times a week, $50 weekly, and $25 extra for re-broadcast; four times a week, $60 weekly and $30 extra for re-broadcast; five times a week, $75 weekly and $32.50 extra for re-broadcast; six times a week, $85 weekly and $42.50 extra for re-broadcast.

Rehearsal Time Included

In instances such as the above, a weekly rate of 45-minute rehearsal time is included. Also, provision is made for announcers to receive $10 per announcement for network commercial cutins. For auditions, the contract stipulates that announcers are to receive half the broadcast fee; rehearsals at the regular fee.

The 4-A's were represented by 10 members. Representing the various artist guild units were Eddie Cantor, president of A. F. R. A.; Ken Thompson, executive secretary of the Screen Actors' Guild; Bert Lytell, vice-president of Actors Equity; Fredric March of the S. A. G.; Lawrence Tibbett, president of American Guild of Musical Artists, and Emily Holt, Henry Jaffee and George Heller, executive secretary, attorney, and national treasurer, respectively, of A. F. R. A.

Kai-Shek's Station Is Now Heard Here

San Francisco, Dec. 11.—Station XGOX, new Chinese Government station at Chungking, new capital of Chiang Kai-Shek, may now be heard daily in the United States at 9 A.M., E.S.T., in English, French and Chinese, according to word received here by Chinese Consul-General C. C. Huang.

N. A. B. Will Discuss Program Code Today

Washington, Dec. 11.—Recommendations of the committee which met in New York last week to develop a set of program standards for the radio industry will be considered by the National Association of Broadcasters at a meeting tomorrow. It is expected that suggestions for a broad code developed at the meeting will be approved by the N.A.B.

At the committee meeting in New York were President Neville Miller, N.A.B. president; Lenox H. Lohr, NBC; Edward Klauber, CBS; Theodore Streibert, KGIR; and Paul Morency, WTIC. Others sitting in at the meeting were Frank Mason, NBC; Gilson B. Gray, CBS, and Andrew Bennett, Ed Spence and Ed Kirby, of the N.A.B.

WCPO of Cincinnati Plans Hamilton Hour

Cincinnati, Dec. 11.—WCPO, Cincinnati *Post* station, inaugurated a series of "Hamilton Hour" commercial programs today, sponsored by merchants and manufacturers of nearby Hamilton, O., to be aired from 3 to 4 P. M. Sundays. Transcriptions of Hamilton juvenile talent will be featured, with five-minute plugs for each of the sponsors. William F. Holland Agency handled the account.

Erpi Offers New "Mike"

Erpi is putting on the market a new Western Electric microphone which is said to give the pick-up engineer positive control over the direction of sound. The instrument has been tested in coast studios and is said to have won approval of engineers. It is a development of the Bell Laboratories.

Shoe Firm in KGO Deal

San Francisco, Dec. 11.—Fifty-two week deal for six quarter-hour musical programs a week has been signed with KGO, Blue network outlet, by the Feltman & Curme shoe chain. The shows will feature Will Aubrey, singing "Bard of the Byways."

Harshbarger Quits NBC

Hollywood, Dec. 11.—Dema Harshbarger has resigned as head of NBC's artists' service here after three and a half years. No successor has been named. Harshbarger, who established the artists' bureau for NBC here, plans to retire.

Displays in Studio

Philadelphia, Dec. 11.—WPEN here has opened its 650-seat auditorium to its sponsors and is now allowing them to place displays in various sections of the hall as an added service.

WCLO, WLS Plan Program Interchange

Janesville, Wis., Dec. 11.—Affiliation of WCLO, Janesville, and WLS, Chicago, providing for an interchange of programs, has been effected.

The latest addition to the local station is Harry Burge, announcer, formerly with WLW, Cincinnati. Other members of WCLO's staff of announcers are Mona Aspinwall, John Dixon, Joe Wilson and Ruth Guilfoyle.

Harrington Is Named Agency's Radio Head

Tom Harrington, manager of Young & Rubicam's Hollywood office, has been named director of radio for the agency, succeeding Dan Stauffer, who has resigned. Harrington will take up his new duties on Jan. 1 in New York.

Trammell Omaha Speaker

Omaha, Dec. 11.—Niles Trammell, NBC executive vice-president, will address the Omaha Advertising Club on Dec. 13 at a "radio night." Guests will be 200 Omaha sponsors and advertisers on WOW, KOIL, KFAB and WAAW.

FCC Calendar

Washington, Dec. 11.—Applications for authority to construct two new stations have been filed today with the Federal Communications Commission.

The applications disclosed that Joseph A. Lattimore plans a 1,370-kilocycle station at Shelby, N. C., with 100 watts power night, 250 watts day, and Martin K. Calaway and Harry S. Hooper propose a 1,320-kilocycle, 250-watt day station at Marysville, Cal.

An increase in night power from 1,000 to 5,000 watts was asked of the commission by KSCJ, Sioux City.

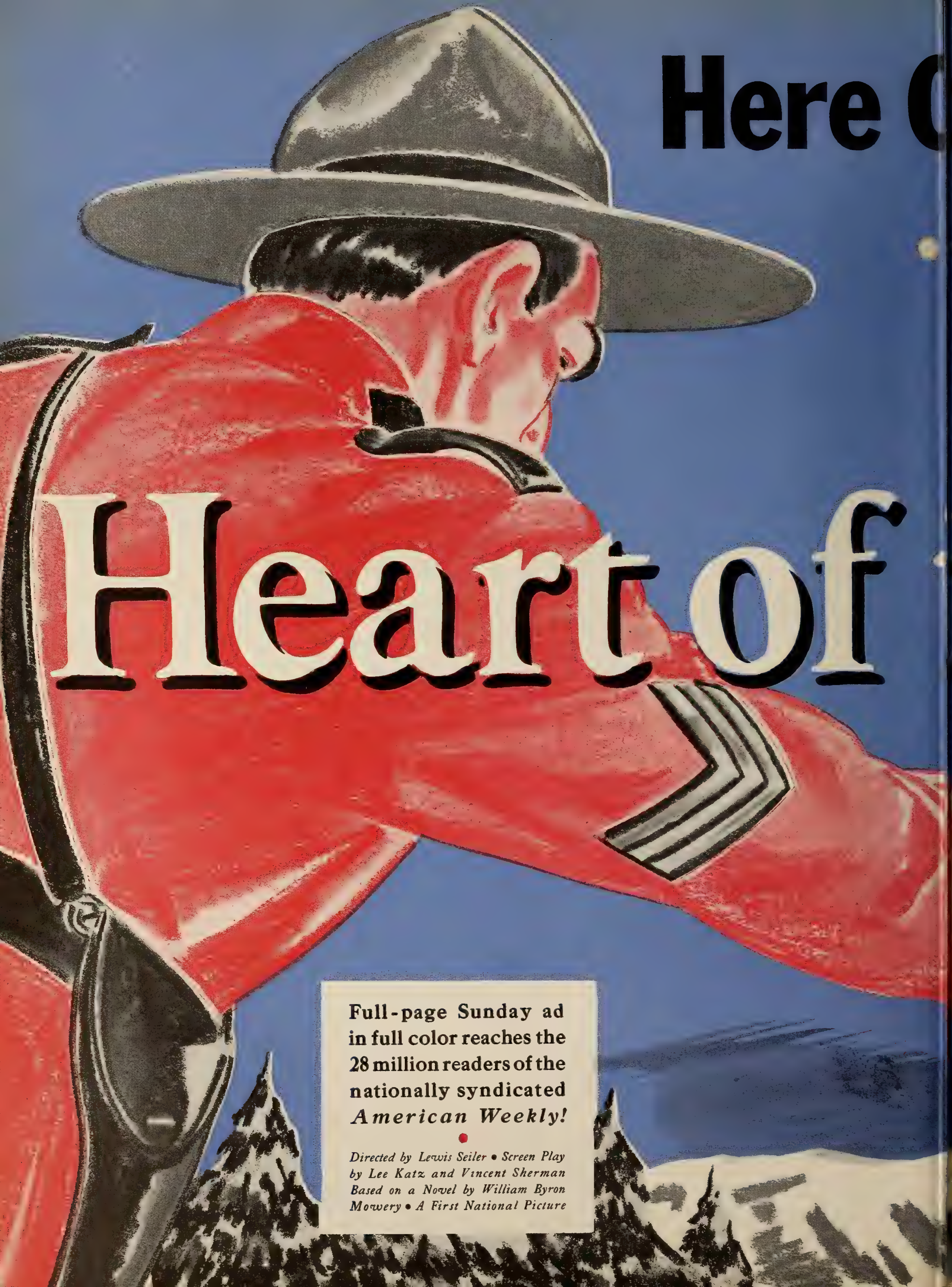
Dates for hearings on broadcasting cases were set by the commission as follows:

Dec. 15: WLW, Cincinnati, for extension of super-power license.

Jan. 13: Applications of Charles Greenblatt for a 1,190-kilocycle, 250-watt limited time station at Bridgeport, and WTHT, Hartford, for increase of day power from 100 to 500 watts.

Feb. 7: Applications of Monocacy Broadcasting Co. for a 1,140-kilocycle, 250-watt daytime station at Rockville, Md.; Vincennes Newspapers, Inc., for a 1,420-kilocycle, 100-watt station at Vincennes, Ind., and KTAT, Fort Worth, for authority to move to Wichita Falls and increase day power from 1,000 to 5,000 watts.

Here C



Full-page Sunday ad in full color reaches the 28 million readers of the nationally syndicated *American Weekly!*

Directed by Lewis Seiler • Screen Play by Lee Katz and Vincent Sherman Based on a Novel by William Byron Mowery • A First National Picture

omes The Mounted!

AVAILABLE NOW .. WARNER BROS.' ACTION-PACKED PRE-XMAS FOLLOW-UP TO 'ANGELS' AND 'BROTHER RAT'!

he North

IN TECHNICOLOR

Coast Talks Show Wages and Hours Touches All Help

Hollywood, Dec. 11.—By far the larger number of studio employes are within the Federal Wage and Hour law's provisions because of a 40-hour maximum work week obtained by office employes' associations in bargaining agreements with the studios some time ago, Pat Casey, producers' labor contact, indicated here.

Casey estimated that not more than 200 workers here would be affected by the outcome of the current conferences of studio representatives and attorneys being held to determine which employes come under the law. Despite this, however, he said four or five more meetings would be necessary to complete the work, due largely to the different classifications which individual studios give employes engaged in the same work.

Decision Reserved On duPont Motion

Federal Judge Alfred C. Coxe on Friday reserved decision on the motion of duPont Film Mfg. Co. for a temporary stay to restrain Pathe Film Corp. from transferring duPont stock to Pathe common stockholders under the proposed dissolution of Pathe.

DuPont contended that under the terms of its contract with Pathe, transfer of the duPont stock was restricted. In an affidavit opposing the motion, O. H. Briggs, Pathe president, stated that the association of Pathe and duPont has not been one of cooperation and mutual assistance, but that Pathe's interests frequently have been disregarded, "contributing to the losses of Pathe in its processing laboratory business." A "hostile attitude" has been one of the contributing causes of the proposed dissolution," the affidavit said. He claimed the company was being dissolved to preserve the assets and save over $1,000,000 in taxes.

Arbitration Will Be Up to the Exhibitors

(*Continued from page* 1)

enforceable, under arbitration, while under conciliation, there exists no authority to make decisions effective.

Ed Kuykendall, M.P.T.O.A. president, saw Sidney R. Kent, president of 20th Century-Fox, and leader of the distributors' group, prior to the latter's departure for California, on company business. The exhibitor leader offered no comment regarding his talks with Kent.

Kuykendall also left town, but expects to return to New York early in January for resumption of trade practice discussions with distributors. Allied States representatives and representatives of unaffiliated exhibitor organizations are also expected then.

SO. CALIF. I. T. O. TO MEET

Hollywood, Dec. 11.—Directors of the I. T. O. of Southern California and Arizona met Friday to discuss the proposed trade agreement.

Federation Lunch Tuesday; Cantor Fetes Bernie Dec. 19

Eddie Cantor

Amusement Division of the Federation for the Support of Jewish Philanthropic Societies, under the chairmanship of David Bernstein and Major Albert Warner, will hold a report meeting at the Astor tomorrow noon. Progress in the campaign to raise $225,000 will be heard. The amount to be raised this year is substantially more than last because of the increase in budgetary requirements.

A highlight in the division's efforts will be the luncheon in honor of Ben Bernie, sponsored by Eddie Cantor, at the Astor Dec. 19. A committee of 50, representing every branch of the amusement field, is working with Cantor for the success of the luncheon. Members of the committee will take part in the report session tomorrow.

Serving with Cantor on the committee are: Willard Alexander, Ben Boyer, Herman Bernie, Donald Flamm, Harry Kaufman, Sam Lyons, Jesse Block, Sid Piermont, Jules Ziegler, William Morris, Marvin Schenk, Johnny Shubert, Jack Von Tilzer, Charles Yates, Barney Balaban, Nate J. Blumberg, Jack Cohn, Commissioner Paul Moss, George J. Schaefer, Joseph M. Schenck, Harry Engel, Carleton Hubb, Mark Leddy, Arthur S. Lyons, Annie Laurie Williams.

Also Phil Baker, Eddie Duchin, Benny Goodman, George Jessel, Abe Lyman, Dave Rubinoff, Sam Saxe, Louis Sobol, Sophie Tucker, Ed Wynn, Harry Brandt, William Brandt, Leo Brecher, Harry Kalcheim, Harry Mayer, Jules C. Stein, Ted Friend, Noah L. Braunstein, Lou Brecher, Hy Gardner, Billy Rose, Herman Stark, Jack Alicoate, Maurice K. Kahn, Martin Quigley, Sid Silverman and Roy Norr.

U.A. Stockholders Will Meet on Coast

United Artists will hold its annual shareholders' meeting, on the Coast, in January. There was a board meeting, here, Saturday. Alexander Korda attended this meeting, preparatory to leaving for Hollywood. Korda arrived on the *Aquitania* from England, Friday. Mechanics of the company's profit sharing plan for non-owner producers was again discussed at the board session, and likely approved informally, if not finally.

With Korda, from England, this time, there has come C. H. Brown, his British counsellor.

In Hollywood, Korda will lay the plans for his coming American production, which may be "Pocahontas," with Merle Oberon. He expects to return to London, around the close of the month, sailing from here, Jan. 20. In June or July he may again come to America.

Four other films which are planned include "Four Feathers," now in production and expected to be completed in March, the first; "Thief of Bagdad" and Kipling's "Jungle Book," both with Sabu, in addition to another film with Miss Oberon.

Milwaukee Council Approves Film Study

Milwaukee, Dec. 11.—The Common Council has authorized its president, Harry J. Devine, to appoint a committee of five citizens to consider reducing long film programs which may be harmful to the health of children and adults. The committee also will consider the elimination of crime and sex pictures.

The committee will work separately from the motion picture commission. The council has approved appointment to the commission by Mayor Daniel W. Hoan of E. J. Kluckow, Charles Trampe and Mrs. J. C. Buckland for four years.

Schaefer Will Leave Hollywood Tomorrow

George J. Schaefer will leave the coast for New York tomorrow and will return west late in January.

Schaefer is scheduled for election to the board of M. P. P. D. A. at the quarterly meeting Wednesday.

20th-Fox Men Set To Start Five-Day Coast Sales Meet

Hollywood, Dec. 11.—20th Century-Fox distribution personnel arrived here today to attend the company's five-day convention which opens at the Ambassador Hotel M[illegible]day.

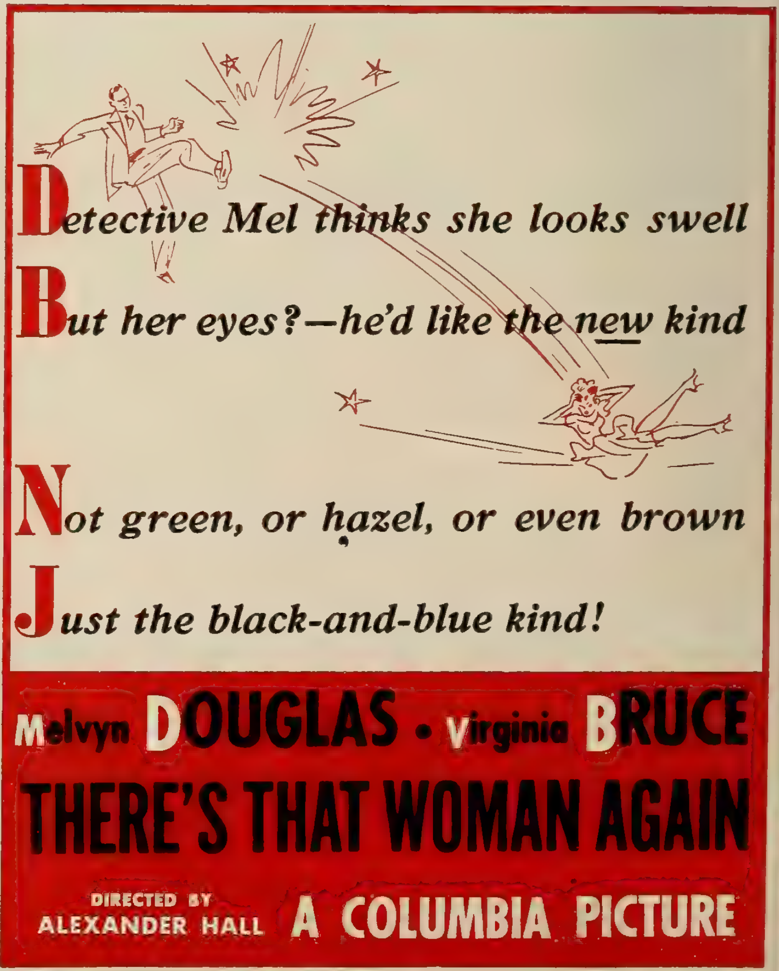
Chief among the topics to be taken up by division and district managers is the Sidney R. Kent sales drive. Previewing of completed and partially completed product will be interspersed among the sales conferences, over which Herman Wobber, general sales manager, will preside.

Joseph M. Schenck, Darryl Zanuck, William Goetz and Sol Wurtzel will outline production plans and policies to the men. In all, about 30 sales officials and President Sidney R. Kent and other home office executives will attend.

Highlight of the week on the semi-social side will be the formal preview of "Kentucky" at the Carthay Circle, Wednesday, followed by a formal dinner at the Trocadero to be given by Schenck, Zanuck and Goetz for the conventioneers and Governor A. B. Chandler of Kentucky.

Ask Non-Flam Briefs

London, Dec. 11.—The Film Advisory Committee has invited the Cinematograph Exhibitors Association and the Sub-Standard Cine Association to submit briefs on the non-flam situation next month.



Detective Mel thinks she looks swell
But her eyes?—he'd like the new kind
Not green, or hazel, or even brown
Just the black-and-blue kind!

Melvyn DOUGLAS • Virginia BRUCE
THERE'S THAT WOMAN AGAIN
DIRECTED BY ALEXANDER HALL
A COLUMBIA PICTURE

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

OL. 44. NO. 115 NEW YORK, TUESDAY, DECEMBER 13, 1938 TEN CENTS

Exhibitors Get 25% Rejection In South Wales

Up from 12½%; Quota to Remain at 3%

Exhibitors' rejection privilege has been increased from 12½ to 25 per cent under the terms of a new film quota law passed yesterday by the legislature of New South Wales. The increase is seen in distribution circles here as presenting a serious problem, since exhibitors thus may reject one-quarter of a distributor's product.

The quota on American films in the Australian state remains the same as heretofore, three per cent. American companies have made no attempt up to this time to follow the quota regulation, on the advice of their attorneys that the quota provisions were unconstitutional, but it is understood the new law overcomes that situation. It provides that the three per cent must

(*Continued on page 4*)

In Ownership Fight On Mexican Station

Mexico City, Dec. 12.—American-owned radio station, XEPN, at Piedras Negras, across the border from Eagle Pass, Tex., is in a state of siege, as W. E. Branch, president, is holding the fort as the result of a conflict over the ownership of the station.

Fox, Kranze Here on Schine Dinner Plans

Phil Fox and G. B. Kranze arrived here yesterday from Gloversville to complete arrangements for the testimonial dinner to Meyer and Louis Schine, which will be held at the Ten Eyck Hotel, Albany, next Monday. The two are in charge of arrangements for the affair.

Harry Hershfield will be toastmaster at the dinner and Louis Nizer one of the principal speakers. Broadway entertainers are being lined up by M. N. Grassgreen, chairman of the entertainment committee, for the program which will follow the dinner.

Transportation arrangements have been made by Ralph Pielow for two special trains, one leaving New York at 4:30 P.M., the other from Buffalo at 1:30 P.M. The Gloversville delegation will be picked up at Fonda by the latter train.

Radio—Page 11

Wm. Fox Subpoenaed In Loew Stock Suit

William Fox will be subpoenaed to testify by minority stockholders in connection with their pending suit against Loew's, Inc., now being tried in the N. Y. Supreme Court before Justice Louis A. Valente. At yesterday's hearing, Bernard Reis, accountant, testified with reference to his study of Loew books.

Para. Devises Negative Film For Telecasts

Paramount has developed a special soft-tone process negative for pictures to be used in television broadcast, upon the assumption that such soft-tone product will prove superior in telecasting to the black-and-white.

The company is preparing to experiment in telecasting this special process film on Jan. 15.

Whether the new blend film, a kind of sepia tint, or mauve color, will eventually outlaw the black-and-white, and replace the latter for television, can't be detailed.

Investigation by Paramount's television experts seems to have convinced them that the black-and-white product is not as good as the softer toned product for television.

The experimental broadcasts which are to be undertaken on film by Paramount will serve a two-fold purpose, in that it will test the use of the new

(*Continued on page 4*)

George Burns in Plea of Guilty of Smuggling Charge

George Burns, of the comedy team of Burns & Allen, pleaded guilty in the Federal Court here yesterday to two indictments which charged him with smuggling. Sentence was delayed until after the trial of Albert N. Chaperau and Paula Gheyskens, who were indicted with him. Burns was paroled in the custody of his attorneys and he left for the coast last night.

The indictments became known when Judge William Bondy opened sealed true bills which had been voted by the Grand Jury last week. Burns, who was present in court, stepped forward and pleaded guilty to all counts.

The charges relate to receiving, concealing and transporting jewelry

(*Continued on page 4*)

High Court Denies Steelman's Appeal

Washington, Dec. 12.—U. S. Supreme Court today dismissed the appeal of Hiram Steelman, trustee in bankruptcy for William Fox, from the Third Circuit Court of Appeals decision holding that the All-Continent Corp. was not within his jurisdiction.

Steelman's appeal was another move in the long drawn out campaign to secure access to the books of All-Continent, owned by Fox's wife, which the trustee claims is the personal creation of the Fox family and created by William Fox, who transferred all his assets to it before the bankruptcy was initiated.

The court made no explanation of its action.

6 Plays Bought In Nov.; None On B'way List

12 Companies Acquire 59 Properties in Month

Broadway was ignored by the film companies, in the purchase of stories for films, during November. There were six plays bought in that month but none is from the current legit crop. Altogether, 12 producing firms bought 59 story properties last month.

Of these 34 are original stories. There are six published novels among the group.

The biggest buyer was Metro-Goldwyn-Mayer, which purchased five originals, one novel, two plays and 12 magazine yarns.

Universal purchased 11 manuscripts, nine originals and two novels. Warners bought three plays, two original stories, one novel and one magazine story.

Paramount bought five stories and RKO and Columbia, each, purchased three. Tri-Art, 20th Century-Fox, Republic, Monogram each bought two. United Artists and a company known as Collective Film Producers each purchased one.

Warners bought the following plays: "Barber of New Orleans," by Edward Child Carpenter; "Footsteps in the

(*Continued on page 4*)

Allied of Northwest Vote Pact Rejection

Minneapolis, Dec. 12.—Recommendation that the national board of Allied States reject the industry trade practice program in its present form was voted by members of Northwest Allied at a meeting here over the weekend.

Action was taken by the members over the opposition of W. A. Steffes, a member of Allied's negotiating committee which helped to complete the draft. Steffes, who for years headed the Northwest Allied unit and is still regarded as an exhibitor leader for this territory, urged acceptance of the draft on the grounds that it would provide immediate benefits for all exhibitors.

The national Allied board is scheduled to meet and act on the trade program Jan. 18.

Injured Night Guard Gets Award; Denied Boothman

Oklahoma City, Dec. 12.—The Oklahoma State Supreme Court has held that a night watchman shot while on duty is entitled to workmen's compensation payments, but that a motion picture projectionist burned in a projection booth is not.

The court affirmed an industrial order calling Dolese Brothers Co. to pay $9.23 a week compensation to John D. Pardue, night watchman at the company's rock crusher near Bromide, Okla. Pardue was felled by a shotgun blast fired by an unknown assailant.

The court set aside a compensation award of $3,125 to Albert George Johnson at the rate of $10 a week for burns he suffered while operating a projection machine for Oscar Berry, owner of the Fox at Ardmore, Okla. Johnson claimed permanent total disability of his right hand and partial disability of the left.

Six justices concurred in the opinion that state laws do not class occupation in the theatre industry as hazardous employment and the fact that there were electric motors, generators and projectors present does not classify a projection booth as a workshop which would bring it within the Oklahoma workmen's compensation laws.

◀ Purely Personal ▶

GOV. A. B. CHANDLER of Kentucky and party will be luncheon guests of LOUIS B. MAYER today at that M-G-M coast studio. In the party will be MRS. CHANDLER and their daughters, MARCELLY and MILDRED; LIEUT. GOV. and MRS. KEENE JOHNSON, MAYOR WILSON of Lexington, MAYOR and MRS. SCHOLTZ of Louisville.

•

H. A. Ross, president of Ross Federal Service, returned to the home office after a six-week trip through the west. AMERICO DITULLIO, national supervisor, and HAROLD LUND, district manager, returned to the field yesterday after a short visit here.

•

WILLIAM J. QUINN, formerly manager of the Astor and Mayfair, and at one time head of RKO Theatres personnel department, has been named manager of the new Normandie Theatre.

•

JOSEPH MANKIEWICZ, M-G-M producer, arrived yesterday for a brief vacation here. "A Christmas Carol," his latest production, opens at the Music Hall next week.

•

LUCIEN HUBBARD's first production under his new M-G-M contract will be "Wings Over the Desert," an original screen play by HAROLD BUCKLEY.

•

CLIFFORD B. ROSS is now the father of a second son, STEPHEN, born at the New Rochelle Hospital.

•

HARRY CHARNAS, who flew to Cleveland to attend the funeral of his brother-in-law, JESSE FISHMAN, is spending two weeks there.

•

DAVID ROSE, Paramount British production supervisor, plans to leave New York on the *Queen Mary* Friday for London.

•

RUSSELL MOON, for some time at the Veterans Hospital, Kingsbridge Road, is on the mend there from his recent illness.

•

SAM MARINO, producer and director, is the father of a girl born yesterday at the Jewish Memorial Hospital in Brooklyn.

•

LEO SPITZ is in New York, having returned from Chicago over the week-end.

MITCHELL MAY, Jr.
CO., INC.
•
INSURANCE
Specializing
in requirements of the
Motion Picture Industry
75 Maiden Lane, New York
510 W. 6th St. Los Angeles

Insiders' Outlook

NEVILLE MILLER, president of the N.A.B., at the Variety Club dinner Sunday night in Philadelphia, speaking for radio, said that radio wants the same freedom of expression which is accorded the press, religion and assembly. It wants the free exchange of ideas. It does not want what they are having in Europe—it does not want censorship.

Presumably, Lenox R. Lohr, president of NBC, is thinking along similar lines. Stating the policy of the network, he declares: "There is no NBC policy preventing discussion of controversial subjects during its sustaining periods. On the contrary, we invite discussion of controversial subjects in which the public may have an interest and furnish our facilities gratis for discussion by responsible persons on both sides of a question."

▼ ▼

Prof. G. W. Norvell, State Department of Education, has called upon educational systems through the country to recognize the potentialities of motion pictures for "good and evil." He likens motion pictures as closely allied to literature and feels that fiction films and historical films could easily be employed in the classroom.

▼ ▼

Alfred Segal, *Cincinnati Post* columnist, is writing a series of programs for WCKY, which will start on that station, Christmas Day.

▼ ▼

M-G-M claims capacity audiences at every performance of "Pygmalion" to date. Week-end attendance brought the total of ticket sales to 26,500 for the four days since the picture's opening. Because of the unusual character of the production and its attendant marketing problems the business being done by the picture at the Astor is being watched with interest throughout the trade as a guide to future policy for both this type of production and the selling methods.

▼ ▼

Clarke Robinson's second novel, "Behold This Woman," (Godwin) is a story of pre-war society at Newport and the various horse-breeding spots of America. It deals with the murder of a prominent society leader and the romance of his daughter.

Robinson is the author of 100 short stories and articles. His first novel was "Fate Is a Woman."

▼ ▼

Philadelphia Variety Club's annual banquet and entertainment for the aid of infantile paralysis victims which was staged in the Bellevue Stratford, Saturday, drew 1,200 showmen and guests. William E. Dodd, former Ambassador to Germany, was the principal speaker. Other guests included Governor Richard McMullen of Delaware; Harold G. Hoffman, former Governor of New Jersey, and Neville Miller, N.A.B. president. George Jessel was toastmaster and Joe E. Lewis, master of ceremonies. William Clark was named the tent's new chief barker.

▼ ▼

Denver public schools are going into production as well as exhibition. They expect to make five films of local character to be used in visual education courses. The American Council on Education in Washington is sending Charles F. Hoban, Jr., and F. E. Brooker to assist in the series. The films will be available to civic bodies, as well as the schools.

▼ ▼

"Duke of West Point" is a picture the kids will hug to their bosoms and which delivers a patriotic boost for America deserving to be screened everywhere.

20th-Fox Deal Fails to Affect GB in Canada

TORONTO, Dec. 12.—The deal by which 20th Century-Fox takes over distribution of G.B. product in the United States, will have no effect on the distribution of G.B. films in Canada, it was declared here.

The films have been distributed in the Dominion for five years by Empire-Universal Films, Ltd., in which N. L. Nathanson, president of Famous Players Canadian Corp., has a controlling interest. This arrangement is to continue for the 1938-'39 season and the contract will undoubtedly be extended, it is declared.

Eight New Pictures Get Legion Approval

National Legion of Decency for the current week approved all of the eight pictures reviewed and classified. Of those approved, five were found unobjectionable for general patronage and three for adults. The new films and their classification follow:

Class A-1, Unobjectionable for General Patronage—"Frontiersman," "Little Orphan Annie," "Peck's Bad Boy with the Circus," "The Sunset Trail," "While New York Sleeps." Class A-2, Unobjectionable for Adults—"Disbarred," "Dramatic School," "Sacrifice d'Honneur."

B'way Play Flood Falls Below Hopes

Early season expectations for legitimate plays on Broadway have failed to materialize. Only 20 plays remain on the boards. Of these, "Sing Out the News" has suspended performances until Christmas Eve, and two more, "Great Lady," and "Victoria Regina" are due to close Saturday. N openings are scheduled for this week.

Only 13 original plays which opened this season are destined to continue with the remainder holdovers from last season's hits and revivals. Openings since Nov. 1 totaled 16 and five survive. The rest closed with an average of eight performances apiece.

A rush of openings is expected to begin next week when five are set and it may continue well into the new year. However, out-of-town tryouts and financial difficulties will probably reduce this number considerably.

Efforts to induce film companies to invest in Broadway productions continue. Another meeting between officials of the Dramatists' Guild and Jake Wilk, Warner story editor, will probably be held this week but although considerable progress has been made, nothing definite has been decided.

Republic Sets Deal With Lucas & Jenkins

Republic has closed a deal with the Lucas and Jenkins circuit, involving 37 theatres in Atlanta and surrounding Georgia towns. Carl Floyd, Atlanta manager, arranged the deal after J. B. Grainger, Republic president, started negotiations for it.

Republic in Australia plans a "Gordon Ellis Month" sales drive during January, when Ellis, managing director, will visit the home office.

Edward Hudson Buys Exchange in Seattle

SEATTLE, Dec. 12.—James O'Neal has sold his General Film Attractions Corp., a state-right distributing exchange, to Edward Hudson of this city. Hudson, a local newsreel cameraman, has appointed Arthur Bushell as manager of the company.

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: Circle 7-3100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the

"HUCK" FINN

...One of the most beloved characters ever created by America's most beloved humorist, Mark Twain, lives again upon the screen in Paramount's rousing comedy, "TOM SAWYER, DETECTIVE." For Paramount's grand new kid star, Donald ("Small Fry") O'Connor, plays Mark Twain's barefoot youngster as he's never been played before. Billy Cook plays "Huck's" pal, "Tom." And Paramount, of course, surrounds these two surefire child stars with a typical cast of boxoffice favorites to give you a boxoffice winner for the holiday trade.

Paramount Pictures

1937 Canada's Biggest Film Year Since '30

Attendance at 134,374,061, Receipts $32,499,300

Toronto, Dec. 12.—Attendance at film theatres of Canada reached the highest point since 1930 and revenue was the greatest since that peak year, report for the 12 months of 1937 by the Department of Trade and Commerce shows. Paid admissions at the 1,047 theatres last year totaled 134,374,061 as compared with 127,441,574 for the previous year, while receipts mounted to $32,499,300 against $29,610,300 for 1936 and $37,479,500 for the all-time record in 1930.

The annual payroll for 1937 was reported at $5,627,300, compared with $4,928,700 for the previous year when the number of theatres in operation was 959, or 88 less than on Dec. 31 last. In 1935, the number of theatres in the Dominion was 862, so the increase for the two years was 185.

Ontario headed the list of Provinces with receipts in 1937 of $14,457,000 for 356 theatres, compared with revenue of $12,888,400 in 1936. All provinces showed gains in receipts with the exception of Saskatchewan, where grain production has been hard hit by drought, the revenue for the Prairie Province dropping to $1,351,000 from $1,369,300.

The expenditure for film entertainment per person in British Columbia was $4.82 in 1937 compared with $4.31 in 1936 and $6.05 in 1930, this being the highest figure for any section of the Dominion. The average per person in Ontario was $3.90 last year and $3.49 in 1936.

With 88 new theatres coming into operation, seating capacity was increased by 35,410 to 601,611 one year ago, according to the Government statistics. The 1,047 theatres were given a physical valuation of $67,538,400 for property and equipment, the average theatre valuation being $64,500.

Motiograph Names Davee

Lawrence W. Davee has been named eastern sales manager of Motiograph, Inc., by Joseph B. Kleckner, president.

Obituaries

Benjamin Fey

Seattle, Dec. 12.—Benjamin W. Fey, 64, owner and operator of Fey's Theatre in Renton for many years, died here after a brief illness. He came to Seattle in 1919 and operated the Madison here until 1925, when he moved to Renton to open the New Renton Theatre. He is survived by his widow and a son, Erwin.

Ken McGaffey

San Francisco, Dec. 12.—Ken McGaffey, 53, who was Mary Pickford's first press agent, died here of a heart attack after an illness of six weeks. For the past four years he served as advertising and publicity manager for the Golden Gate Theatre here.

Holmes to Head Americanization Unit at Warners

Jack Holmes will head the new Americanization department at Warner Bros. studio, which will work in cooperation with American Legion posts and other patriotic associations, with regard to the showing of historical short subjects. Holmes will work under the supervision of Bob Taplinger, studio publicity head.

Holmes will make a tour in connection with this new activity and will contact various organizations around the country, who are desirous of screening the Warner historical shorts to bring the history of the country visually and directly to the citizenry.

The three Warner brothers, Harry, Jack and Major Albert, are intensely and personally interested in this new patriotic film move and are lending their personal assistance to the cause.

"Lincoln in the White House" is the next patriotic release, and will have its premiere at the Radio City Music Hall. Others are "The Man Without a Country," "Romance of Louisiana," "Give Me Liberty," "Song of a Nation."

6 Plays Bought in Nov., None B'way

(*Continued from page* 1)

Dark," by Bernard Merivale and Jeffery Bell, and "Elizabeth the Queen," by Maxwell Anderson.

Metro bought "Dulcy," by George S. Kaufman and Marc Connelly, and "Madame Pompadour," a foreign musical.

Paramount purchased "The Cat and the Canary," by John Willard, from Universal.

"The Cat and the Canary," it is understood, was bought by Paramount as a vehicle for Bob Hope and Martha Raye, while Warners may be intending to use Errol Flynn in "Barber of New Orleans." Warners are also understood to be planning to cast Bette Davis and Errol Flynn in "Elizabeth the Queen."

Metro's magazine story purchases included a series of eight known as the "Henry" stories by W. S. Tuttle. The novel which Warners purchased is "All This and Heaven, Too," by Rachel Field. Bette Davis is mentioned for the chief role.

Twentieth Century-Fox purchases were "Life of Alexander Graham Bell," an original by Ray Harris, to feature Loretta Young and Don Ameche; and "Shooting High," which will be produced by Sol Wurtzel as a musical film with Tony Martin, Joan Davis and Marjorie Weaver.

Para. Devises New Film for Telecast

(*Continued from page* 1)

process film and at the same time prove the feasibility of DuMont Laboratory's television equipment. Paramount owns a substantial equity in DuMont.

These experimental broadcasts with film by Paramount will be telecast from the DuMont laboratories in New Jersey to points within a 50-mile radius.

Waltz Champs!

Winners of the grand prize in M-G-M's "Great Waltz" contest, finals of which were held at the Waldorf-Astoria last night, were Mr. and Mrs. Charles Smith, of Brooklyn. They triumphed over 11 couples, preliminary winners in 12 zones throughout the country. The grand prize winners get a three month Metro contract. Terms are not revealed. Katherine Budel and Herman Bodendorfer, of Los Angeles, runners-up, received a cup.

George Burns Pleads Guilty in Smuggling

(*Continued from page* 1)

after it had been smuggled into the country. The jewelry was valued at $4,885 and had allegedly been smuggled on three occasions between January, 1936 and May, 1938.

Joseph T. Delany, assistant U. S. Attorney in charge of the case, declared that additional evidence would be presented to the Grand Jury which would involve nationally known figures, but it was not revealed whether other film figures would be brought in.

Burns was represented by three attorneys, William J. Donovan, Walter N. Thayer and Carl E. Newton. After the hearing, a statement by Lloyd Wright, his Los Angeles counsel, was issued, as follows:

"Mr. Burns has entered a plea of guilty to the misdemeanors charged in the indictment. While he had no purpose or intent to offend against the laws of the United States, he has been advised that the circumstances of this case indicate violations of the customs laws with respect to some novelty jewelry which Mr. Burns purchased in New York City. For that reason, upon being advised of his indictment, he flew here from California to enter his plea and submit to the jurisdiction of the court."

Burns has continued his weekly broadcasts from the coast and has made his appearances here after plane trips from Hollywood.

5 Directors Renamed At Warners Meeting

Wilmington, Del., Dec. 12.—Five directors of Warner Brothers Pictures were reelected at the annual stockholders meeting here today. They are Stanleigh P. Freidman, Samuel Carlisle, Charles S. Guggenheimer, Morris Wolf and Sam E. Morris. Holdover members are Harry M. Warner, Albert Warner, Jack L. Warner, Joseph Bernhardt, Robert W. Perkins and Waddill Catchings.

File Dallas Appeals With Supreme Court

Appeals in the Federal conspiracy action against Interstate and Texas Consolidated circuits and major distributors have been completed and filed with the U. S. Supreme Court in Washington, Paramount attorneys reported yesterday. The appeal period was to have expired tomorrow.

Case has been placed on the high court's calendar for hearing during the first week in January but may not be reached until the following week.

London Films' Net Profit for Fiscal Year Totals $3,780

London, Dec. 12.—London Film Productions (Alexander Korda) reported a net profit of $3,780 for its last fiscal year. The company's actual profit was $82,530, before deduction of $78,750 to compensate for cancellation of a corporate contract.

London Films will hold 10 shares of $5 par stock in the new Denham-Pinewood studio combine. This new studio company has been formed with a capitalization of $3,750,000. Control will be in the hands of Prudential Assurance, financial backer of London Films, indicating that the latter may be in charge of operations through its financial connection.

In consideration for the transfer of London Films' assets to the new studio company, the latter will assume certain London Films' liabilities, chief among which are $1,500,000 of first mortgage debentures and $2,750,000 of bonds outstanding.

London Films' inventories of completed films and its interest in other productions was placed in the financial report at $6,809,270.

Exhibitors Get 25% S. Wales Rejection

(*Continued from page* 1)

be produced in Australia, and that after 1939 a decision will be made on the future figure.

The new law also provides for the formulation of a new standard exhibition contract, drafts of which are already being written by distributor and exhibitor groups, and calls for the establishment of a Film Commission to decide on applications for new theatre construction, among other things.

The new law will be effective on the signature of the premier, which is expected shortly.

Gordon Ellis, executive of Greater Union Theatres, is due here shortly to discuss the relations between American distributors and Australian exhibitors and producers.

It is pointed out as at least possible that other Australian states may follow New South Wales in the matter of film legislation, since that state, most important in the country, is generally the leader.

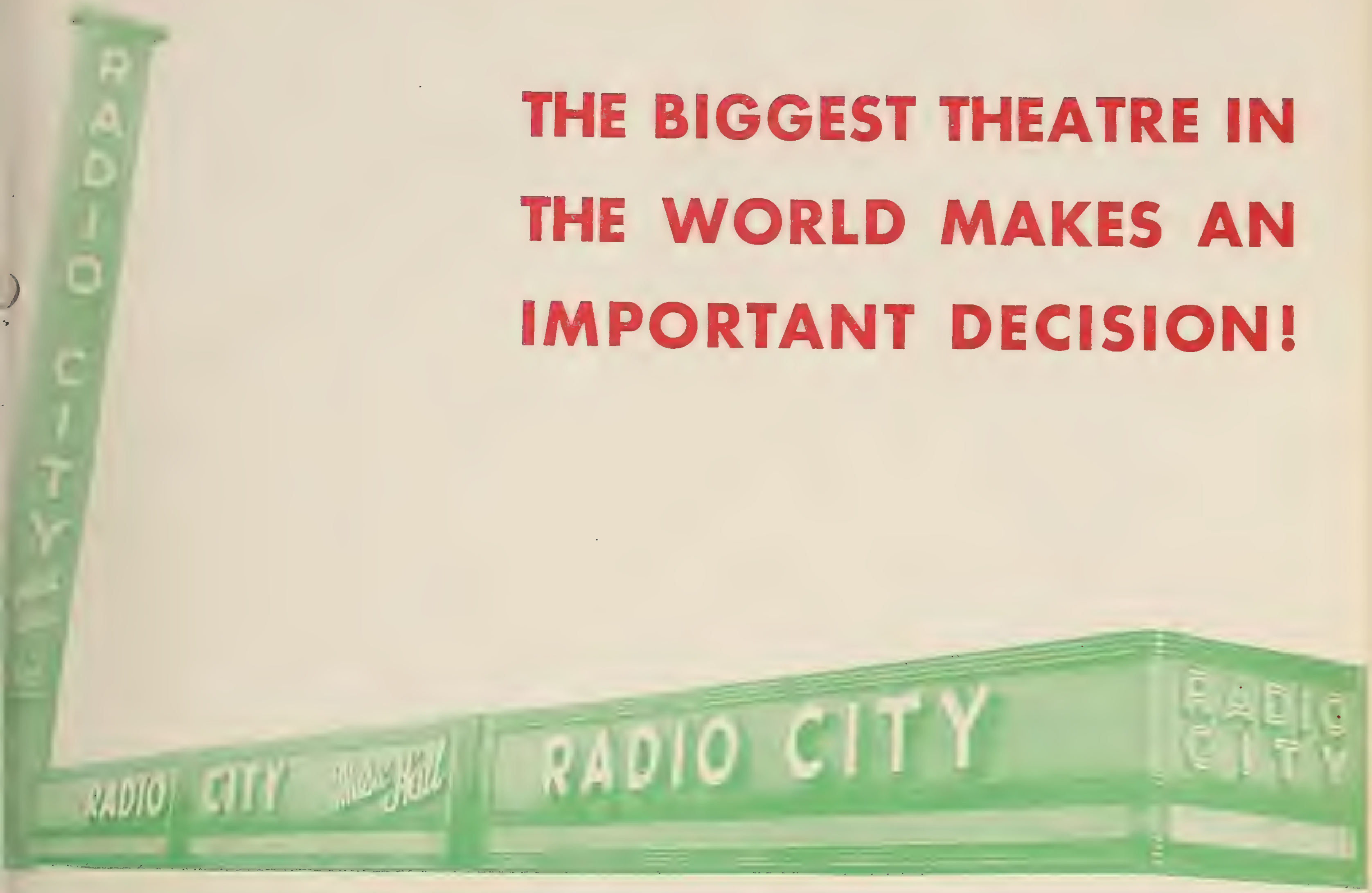
U. S. Catholics Renew Film Legion Pledges

Legion of Decency pledges were renewed by Catholics in more than 18,000 churches in the United States last Sunday. National headquarters of the Legion here reported that no official estimate was available of the total number of persons who took the pledge but indicated that it would approximate the total number of Catholics in this country.

Powell, Blondell Finish

Hollywood, Dec. 12.—Under the amicable settlement reached with Warners over the weekend, Dick Powell, whose seven-year contract had two months to go, will leave the lot on finishing work in "The Professor Steps Out" this week, and Joan Blondell will follow on completing "Broadway Cavalier" around Christmas.

THE BIGGEST THEATRE IN THE WORLD MAKES AN IMPORTANT DECISION!



The largest house, the greatest grosser in the world, with the pick of pictures chooses the attraction for its most valuable playing time, Christmas week. It's M-G-M's soul-stirring Charles Dickens masterpiece

"A CHRISTMAS CAROL"

"A superb production of Charles Dickens' immortal classic. The Holiday offering par excellence Tremendous human punch! Real heart interest!" —FILM DAILY

"Exploitable, timely, beautiful Dickens' immortal story is drama surprise of the year!" —JAY EMANUEL PUBLICATIONS

"Touches the heart deeply. Will delight and mellow youngsters and oldsters alike for the holiday mood and should be a Yuletide cleanup at the b.o." —DAILY VARIETY

"It belongs in the special treat class. It should make the box-office bloom with health. Its message is one of happiness. It's the tops." —HOLLYWOOD REPORTER

Charles Dickens' "A Christmas Carol" with Reginald Owen, Gene Lockhart, Kathleen Lockhart, Terry Kilburn, Barry MacKay, Lynne Carver. Screen Play by Hugo Butler. A Metro-Goldwyn-Mayer Picture. Directed by Edwin L. Marin. Produced by Joseph L. Mankiewicz

Thrills for a thousand movies, plundered for one mighty show!

GUNGA DIN

starring

CARY GRANT ★ VICTOR McLAGLEN
and
DOUGLAS FAIRBANKS, JR.

with

SAM JAFFE • EDUARDO CIANNELLI • JOAN FONTAINE

PANDRO S. BERMAN IN CHARGE OF PRODUCTION
PRODUCED AND DIRECTED BY GEORGE STEVENS
From a Story by BEN HECHT and CHARLES MacARTHUR
Inspired by RUDYARD KIPLING'S Poem
Screen Play by Joel Sayre and Fred Guiol

RKO RADIO PICTURES

Phila. Gives "Hardys" Big $18,000 Gate

PHILADELPHIA, Dec. 12.—"Out West With Hardys" won $18,000 and a holdover at the Stanley. The stage-screen show at the Earle also clicked nicely with $18,000. "Up the River" was the film and the stage had Phillips Lords' radio "Gang-Busters" and "Stuff" Smith's Orchestra.

Estimated takings for the week ending Dec. 8:

"Cowboy and the Lady" (U.A.)
ALDINE—(1,300) (40c-55c-65c-75c), 7 days, 2nd week. Gross: $9,500. (Average, $8,160)
"The Great Waltz" (M-G-M)
ARCADIA — (600) (25c-40c-55c), 7 days. Gross: $3,200. (Average, $2,800)
"Spring Madness" (M-G-M)
BOYD—(2,400) (40c-55c-65c), 7 days. Gross: $9,000. (Average, $14,000)
"Up the River" (20th-Fox)
EARLE — (2,000) (40c-55c-65c), 6 days. Stage: Stuff Smith band; "Gang-Busters." Gross: $18,000. (Average, $14,000)
"Angels With Dirty Faces" (W.B.)
FOX—(3,000) (40c-55c-65c-75c), 7 days, 2nd week. Gross: $16,000. (Average, $14,000)
"Pecks Bad Boy With Circus" (RKO)
KARLTON—(1,000) (25c-40c-55c), 2 days. Gross: $350. "Robin Hood" (W.B. revival), 5 days. Gross: $2,000. (Average, 7 days, $4,000)
"Submarine Patrol" (20th-Fox)
KEITH'S — (2,000) (25c-40c-55c), 7 days. Gross: $2,600. (Average, $4,000)
"Out West With the Hardys" (M-G-M)
STANLEY—(3,700) (40c-55c-65c), 7 days. Gross: $18,000. (Average, $14,000)
"Storm Over Bengal" (Rep.)
STANTON—(1,700) (25c-40c-55c), 7 days. Gross: $4,500. (Average, $7,000)

Hollywood Preview

"Swing, Sister, Swing"

(Universal)

HOLLYWOOD, Dec. 12.—Desirous of cashing in on the "jitterbug" craze, Universal pressed into production "Swing, Sister, Swing," a story of a group of "hepcats" and "Alligators" whose dance takes the country by storm. The "jitterbug" revels are superimposed on a background of show business and Broadway, with the accompanying factual and fictional heartbreaks.

Heading the cast are Ken Murray, as an impecunious Broadway press agent, Johnny Downs, Kathryn Kane and Eddie Quillan as three small town pals who go to New York to start a dance craze; Ernest Truex as the New York dancing teacher who sponsors the routine as his "creation," and Ted Weems and his orchestra. Others in the cast are Edna Sedgwick, Nana Bryant, Esther Howard, Herbert Heywood and Clara Blandick. Joseph Santley directed from the screen play of Charles Grayson. Burt Kelly, associate producer, wrote the original story.

Exploitation campaigns should be aimed at the youngsters and the oldsters of the nation who are "in the groove," of whom there are many.

Lured to New York to exploit their dance creation, "The Baltimore Bubble," Miss Kane, Downs and Quillan make an agreement with Truex and Murray to split the "take." Soon they go on a national tour and, returning to New York after the craze dies out, split up. Downs prefers to remain and try his luck again. His new dance step fails, and he returns to join his friends in his home town.

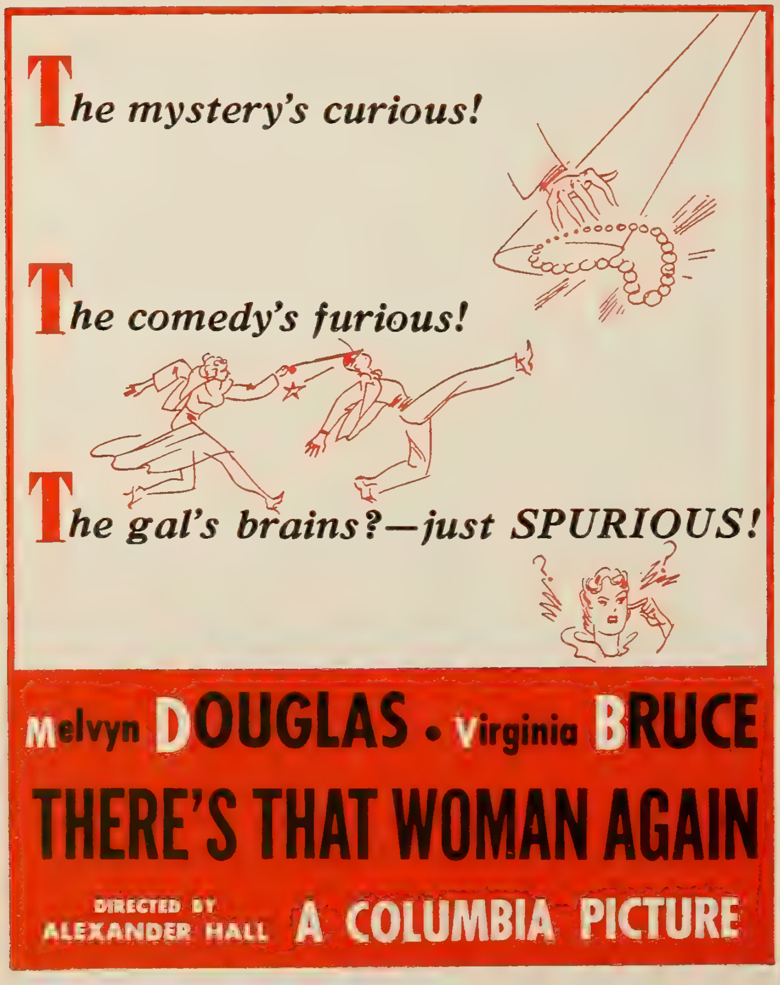
Running time, 63 minutes. "G."* VANCE KING

---

* *"G" denotes general classification.*

Tavolara in Frisco

SAN FRANCISCO, Dec. 12.—Louis G. Tavolara, former executive for Fox West Coast Theatres has been named manager of the El Capitan here.


The mystery's curious!
The comedy's furious!
The gal's brains?—just SPURIOUS!
Melvyn DOUGLAS • Virginia BRUCE
THERE'S THAT WOMAN AGAIN
DIRECTED BY ALEXANDER HALL
A COLUMBIA PICTURE

Nelson Unit Helps "Room" to $16,000 Take in Cleveland

CLEVELAND, Dec. 12.—Ozzie Nelson with Harriet Hilliard on the RKO Palace stage with "Room Service" on the screen was the best draw of the week at $16,000. It was the only bill to better average.

"The Young in Heart" at Loew's State did $12,000. "Angels with Dirty Faces" in its second week at Warners' Hippodrome took $10,000. "Out West with the Hardys" at Loew's Stillman came up with $5,000.

Estimated takings for the week ending Dec. 9:

"Girls On Probation" (W.B.) 5 days
"Secrets of a Nurse (Univ.) 4 days
ALLEN — (3,000) (30c-35c-42c), 9 days. Gross: $3,000. (Average, for 7 days, $4,000)
"Angels With Dirty Faces" (W.B.)
WARNERS' HIPPODROME—(3,800) (30c-35c-42c), 7 days, 2nd week. Gross: $10,000. (Average, $12,000)
"Service De Luxe" (Univ.)
RKO PALACE — (3,100) (30c-42c-55c), 7 days. Stage: Ozzie Nelson, Harriet Hilliard and Co. Gross: $16,000. (Average, $15,000)
"The Young In Heart" (U.A.)
LOEW'S STATE—(3,500) (30c-35c-42c), 7 days. Gross: $12,000. (Average, $13,000)
"Out West With the Hardys" (M-G-M)
LOEW'S STILLMAN — (1,900) (30c-35c-42c), 7 days, 2nd week. Gross: $5,000. Average, $5,000)

King Replaces Evans

MONTREAL, Dec. 12.—Maurice Evans, who cancelled an arrangement with the Canadian Broadcasting Corp. to play the lead in "Hamlet," last of the CBS Shakespeare series, Dec. 18, has been replaced by Dennis King.

James Hone Injured

SEATTLE, Dec. 12.—James M. Hone, executive secretary of the MPTO of Washington, suffered broken ribs and other injuries in an automobile crash here.

"Take It" Is $7,500 Top in Minneapolis

MINNEAPOLIS, Dec. 12.—In its second week at the Orpheum, "You Can't Take It With You" was high grosser with $7,500. "The Great Waltz" in nine days got $7,000 at the Century, while "The Shining Hour" was good for $5,500 at the State.

In St. Paul, top money getter was "The Great Waltz" with $4,500 at the Orpheum, with "The Shining Hour" doing $4,400 at the Paramount.

Estimated takings for the week ending Dec. 9:

Minneapolis:

"Sharpshooters" (20th-Fox)
"Adventures in Sahara" (Col.)
"Torchy Gets Her Man" (W.B.)
"The Last Express" (Univ.)
ASTER — (900) (15c-25c), 7 days, split week. Gross: $1,500. (Average, $1,500)
"The Great Waltz" (M-G-M)
CENTURY — (1,600) (25c-40c), 9 days. Gross: $7,000. (Average, for 7 days, $4,000)
"Hard to Get" (W.B.)
GOPHER — (990) (25c), 7 days. Gross: $2,800. (Average, $3,000)
"You Can't Take It With You" (Col.)
ORPHEUM—(2,900) (25c-40c), 7 days, 2nd week. Gross: $7,500. (Average, $4,800)
"The Shining Hour" (M-G-M)
STATE—(2,300) (25c-40c), 7 days. Gross: $5,500. (Average, $4,400)
"Moonlight Sonata" (Malmer)
WORLD — (400) (25c-55c), 2nd 7 days. Gross: $2,200. (Average, $1,600)

St. Paul:

"The Great Waltz" (M-G-M)
ORPHEUM — (2,000) (25c-40c), 7 days. Gross: $4,500. (Average, $3,200)
"The Shining Hour" (M-G-M)
PARAMOUNT—(2,500) (25c-40c), 7 days. Gross: $4,000. (Average, $4,400)
"I Am the Law" (Col.)
RIVIERA—(1,000) (25c), 7 days. Gross: $2,400. (Average, $2,400)
"Sharpshooters" (20th-Fox)
"Tarnished Angel" (RKO)
TOWER — (1,000) (25c), 7 days. Gross: $1,800. (Average, $1,600)
"Return of the Scarlet Pimpernel" (U.A.)
WORLD—(400) (25c-35c), 7 days. Gross: $1,200. (Average, $700)

'Cowboy' Clicks in New Haven $5,900

NEW HAVEN, Dec. 12.—"Cowboy and the Lady" and "His Exciting Night" led at the Roger Sherman with a $5,900 take. Second week of "Out West with the Hardys" and "The Mad Miss Manton" pulled $3,600 at the College.

The Loew-Poli, with "There Goes My Heart" and "Spring Madness," and the Paramount, with "Thanks for the Memory" and "Time Out for Murder" were hit by the pre-holiday lull.

Estimated takings for the week ending Dec. 9:

"Out West With the Hardys" (M-G-M)
"The Mad Miss Manton" (RKO)
COLLEGE—(1,499) (35c-50c), 7 days, 2nd week. Gross: $3,600. (Average, $2,500)
"There Goes My Heart" (U.A.)
"Spring Madness" (M-G-M)
LOEW-POLI — (3,040) (35c-50c), 7 days Gross: $7,500. (Average, $8,000)
"Thanks for the Memory" (Para.)
"Time Out for Murder" (20th-Fox)
PARAMOUNT—(2,348) (35c-50c), 7 days. Gross: $3,500. (Average, $4,400)
"Cowboy and the Lady" (U.A.)
"His Exciting Night" (Univ.)
ROGER SHERMAN—(2,200) (35c-50c), 7 days. Gross: $5,900. (Average, $4,700)

MOTION PICTURE DAILY'S HANDY BOOKING CHART

[Dates Are Based Upon National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After the Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS	G. B.
Nov. 4	In Early Arizona *Bill Elliott* *Dorothy Gulliver*	The Great Waltz (G) (M) *Luise Rainer* *Fernand Gravet* *Miliza Korjus* (908)	Gangster's Boy (G) (D) *Jackie Cooper* *Robert Warwick*	Illegal Traffic (G) (D) *J. Carroll Naish* *Mary Carlisle*	I Stand Accused (G) (D) *Robt. Cummings* *Helen Mack*	Lawless Valley (G) (O) *George O'Brien* (981)	Always in Trouble (G) (C) *Jane Withers* *Jean Rogers* (914)	The Young in Heart (G) (C) *Gaynor* *Fairbanks, Jr.* *Goddard*	Exposed (G) (C) *Glenda Farrell* *Otto Kruger* Prairie Justice (O)	Hard to Get (G) (C) *Dick Powell* *de Havilland*	The Lady Vanishes (G) (C) *Margaret Lockwood* *Paul Lukas* (Nov. 1)
Nov. 11		Spring Madness (G) (D) *Lew Ayres* *Burgess Meredith*		If I Were King (G) (D) *Colman* *Rathbone*	Rhythm of the Saddle (G) (O) *Gene Autry*	Annabel Takes a Tour (G) (C) *Oakie* *Lucille Ball* (908)	Just Around the Corner *Shirley Temple* *Charles Farrell* (915)		His Exciting Night (C) *Charles Ruggles* *Ona Munson*	Torchy Gets Her Man (G) (D) *Glenda Farrell* *MacLane*	The Frog *Noah Beery* *Gordon Harker* (Nov. 15)
Nov. 18	Adventure in Sahara *Paul Kelly* *Lorna Gray*	The Shining Hour (A) (D) *Crawford* *Sullavan* *Douglas*	Gun Packer (O) *Jack Randall*	Thanks for the Memory (G) (C) *Bob Hope* *Shirley Ross* *Butterworth*	Storm Over Bengal (G) (D) *Patric Knowles* *Rochelle Hudson*	Law West of Tombstone (G) (O) *Harry Carey* *Jean Rouverol* (909)	Sharpshooters (G) (D) *Brian Donlevy* *Lynn Bari* (916)	Cowboy and the Lady (G) (C) *Cooper* *Oberon*	Mars Attacks the World *Larry Crabbe* *Jean Rogers*	Nancy Drew, Detective *Bonita Granville* *John Litel*	Climbing High (M) *Jessie Matthews* *Michael Redgrave* (Dec. 1)
Nov. 25	Blondie (G) (C) *Penny Singleton* *Arthur Lake*	Out West with the Hardys *Lewis Stone* *Mickey Rooney*	Gang Bullets *Anne Nagel*	Say It in French *Ray Milland* Arrest Bulldog Drummond	Santa Fe Stampede (G) (O) Orphans of the Street	Peck's Bad Boy at the Circus *Tom Kelly* (G) (C)	Submarine Patrol (G) (D) *Richard Green* *Nancy Kelly* *Preston Foster* (909)		Little Tough Guys in Society (G) (C) *Boland* *Auer* *Horton*	Angels with Dirty Faces (G) (D) *Cagney* *O'Brien* *"Dead End" Kids*	G. N.
Dec. 2	Terror of Tiny Town *Jed Buell's Midgets*	Flirting with Fate (G) (C) *Joe E. Brown* *Leo Carrillo*		Little Orphan Annie (G) (C) *Ann Gillis* *Robert Kent*	Come On, Rangers (G) (O) *Roy Rogers* *Mary Hart*		Road Demon (G) (D) *Henry Arthur* *Joan Valerie* *Henry Armetta* (918)		Strange Faces (G) (D) *Dorothea Kent* *Frank Jenks* *Andy Devine*	Comet Over Broadway *Kay Francis* *Ian Hunter*	Shadows Over Shanghai (G) (D) *James Dunn* *Ralph Morgan* (Oct. 14) (311)
Dec. 9	Rio Grande (O) *Charles Starrett* *Ann Doran*	Dramatic School *Rainer* *Goddard* *Alan Marshall*	Song of the Buckaroo (O) *Tex Ritter*	Ride a Crooked Mile *Farmer* *Erikson* *Tamiroff*	Western Jamboree (O) *Gene Autry* *Smiley Burnette*	Next Time I Marry *Lucille Ball* *James Ellison* (910)	Up the River (G) (C) *Tony Martin* *Phyllis Brooks* (924)		Secrets of a Nurse (G) (D) *Helen Mack* *Edmund Lowe*	Heart of the North *Dick Foran* *Gloria Dickson*	Frontier Scout (G) (O) *George Houston* (Oct. 21) (325)
Dec. 16	Strange Case of Dr. Meade *Jack Holt* California Frontier (O)	A Christmas Carol *Reginald Owen* *Terry Kilburn*	I Am a Criminal *John Carroll* *Mary Kornman*	The Frontiersman (G) (O) *William Boyd* (3856)	Red River Range *3 Mesquiteers* Federal Man Hunt		Down on the Farm (G) (C) *Jones Family* (920)		Swing, Sister, Swing *Ken Murray* Ghost Town Riders (O)	Secret Service of the Air *Ronald Reagan* *John Litel* *Ila Rhodes*	Titans of the Deep (Oct. 28) *Dr. Beebe* (326)
Dec. 23	There's That Woman Again *Douglas* *Bruce*	The Girl Downstairs *Tone* *Gaal* *Connolly*	Wild Horse Canyon (O) *Jack Randall*	One Third of a Nation *Sylvia Sidney* Tom Sawyer, Detective	Fighting Thoroughbreds *Ralph Byrd* *Mary Carlisle* *Robert Allen*		Thanks for Everything *Menjou* *Oakie* (917)	Trade Winds *Fredric March* *Joan Bennett*	Newsboys Home *Jackie Cooper* *Wendy Barrie*	The Dawn Patrol *Errol Flynn* *Rathbone*	
Dec. 30	Smashing the Spy Ring *Fay Wray* *Ralph Bellamy*	Sweethearts *MacDonald* *Nelson Eddy*	Tough Kid *Frankie Darro*	Artists and Models Abroad *Jack Benny* *Joan Bennett*	Shine On, Harvest Moon *Roy Rogers* *Mary Hart*	The Great Man Votes *John Barrymore* *Peter Holden*	Kentucky *Loretta Young* *Richard Greene* (923)	Duke of West Point *Louis Hayard* *Joan Fontaine*		Going Places *Dick Powell* *Anita Louise*	Cipher Bureau (G) (D) *Joan Woodbury* *Leon Ames* (Nov. 4) (312)
Jan. 6 1939	North of Shanghai *Betty Furness* *James Craig*	Stand Up and Fight *Robert Taylor* *Wallace Beery* *Florence Rice*		King of Chinatown *Anna May Wong* *Tamiroff*		Pacific Liner *McLaglen* *Chester Morris* *Wendy Barrie*	While New York Sleeps *Michael Whalen* (922)		Last Warning *Foster* *Jenks*	Devil's Island *Karloff*	Sunset Strip Case *Sally Rand* (Nov. 11) (345)

Rogers Band And 'Alcatraz' $10,400, K.C.

Kansas City, Dec. 12.—The pre-holiday lag held down first runs with weather normally cold. "King of Alcatraz" and Buddy Rogers' band garnered $10,400 at the Fox Tower, and "Angels With Dirty Faces" took $5,600 in its second week and was held.

"The Young In Heart" and "Flirting With Fate" at the Midland were fair.

Estimated takings for the week ending Dec. 6-8:

"Thanks for the Memory" (Para.)
NEWMAN—(1,900) (25c-35c-55c), 6 days. Stage: Chick Webb and His Orchestra with Ella Fitzgerald. Gross: $5,800. (Average, 6 days, combination bill, $7,000)

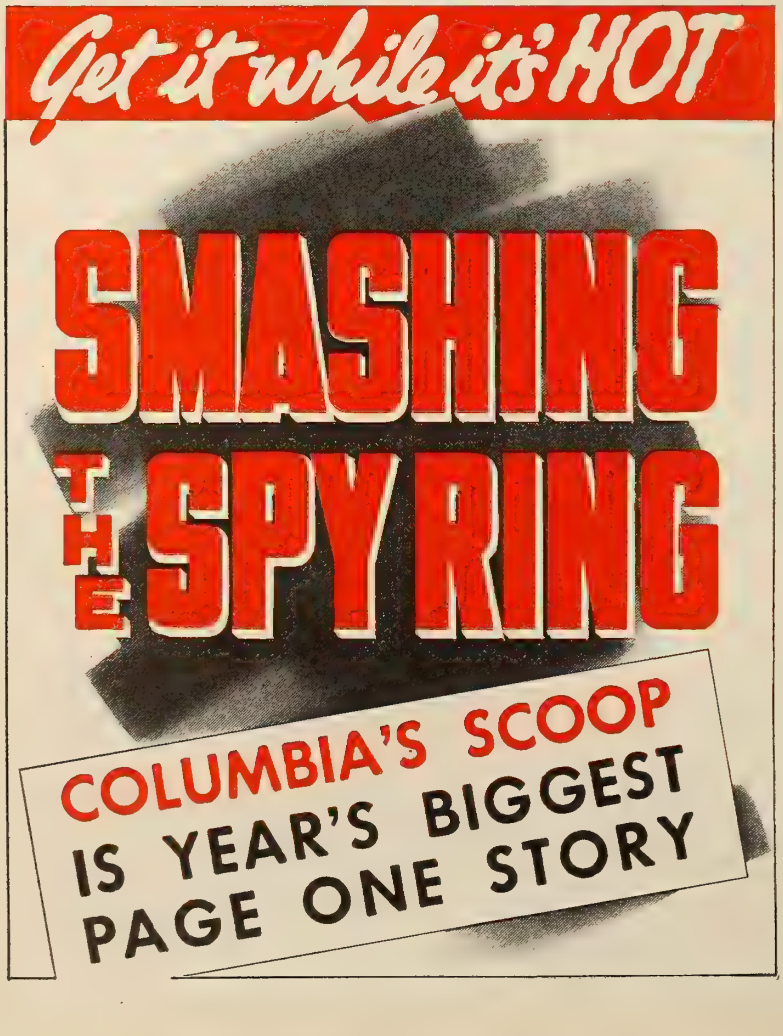
"Service De Luxe" (Univ.)
ESQUIRE—(800) (25c-40c), 7 days. Gross: $2,500. (Average, $3,000)

"Service De Luxe" (Univ.)
UPTOWN—(2,000) (25c-40c), 7 days. Gross: $3,000. (Average, $4,000)

"The Young in Heart" (U.A.)
"Flirting With Fate" (M-G-M)
MIDLAND—(4,000) (25c-40c), 7 days. Gross: $10,800. (Average, $11,500)

"Angels With Dirty Faces" (W.B.)
ORPHEUM—(1,500) (25c-40c), 7 days, 2nd week. Gross: $5,600. (Average, $5,000)

"King of Alcatraz" (Para.)
FOX TOWER—(2,200) (25c-35c-55c), 7 days. Stage: Buddy Rogers & His Orchestra, featuring Eliz Tilton, Arthur Wright, Elmer Davis; also Bob Ripa, Shea & Raymond. Gross: $10,400. (Average, $8,000)


Get it while it's HOT
SMASHING THE SPY RING
COLUMBIA'S SCOOP IS YEAR'S BIGGEST PAGE ONE STORY

Out Hollywood Way

Hollywood, Dec. 12. — Twentieth Century-Fox has extended the contract of Marjorie Weaver, and given her the leading role in "Shooting High," a musical . . . Irene Dunne will be starred by John Stahl in Universal's "A Modern Cinderella," from the James M. Cain novel . . . Jack Holt's next picture to be produced by Larry Darmour for Columbia release will be "The Enemy Within," based on agitation surrounding espionage in this country by foreign agents. Lou Colling will direct from a script now being written by Gordon Rigby and Eric Taylor . . . 20th Century-Fox has increased the budget of "The Little Princess," Shirley Temple vehicle, and is putting additional song numbers in it.

Marjorie Rambeau, old time favorite now staging a comeback, has replaced Mary Boland in Paramount's "Sudden Money." She will be teamed with Charles Ruggles, in this story of a sweepstakes winner . . . Ann Sheridan has been set for the feminine lead in "Each Dawn I Die," and "Dodge City," both at Warners . . . Margaret Lindsay draws the lead in Warners' "Smashing the Money Ring" and "Hell's Kitchen" . . . Paramount has purchased "Wife Under Contract," story by Andrew Stone, and will star Ray Milland and Frances Dee.

✚

Casting—Paul Guilfoyle substitutes for Harvey Stephens in Sherman-Paramount's "Heritage of the Desert" . . . Eleanor Hansen, Ethyl Haworth and Peggy Carrol to "The Romantic Castles," RKO . . . Harry Fitzgerald to "The Saint Strikes Twice," RKO . . . Henry Kolker, Stanley Ridges and Alan Baxter to "Let Us Live," Columbia . . . Charles Butterworth to "Song of the West," M-G-M . . . Scotty Beckett, Gene Reynolds, J. M Kerrigan and Grady Sutton to "The Flying Irishman," RKO . . . Ambrose Schindler ex-football star, to "The Wizard of Oz," M-G-M . . . Grant Withers to "Me and My Gal," featuring Buck Jones, at Paramount . . . Lon Chaney, Jr., to "Union Pacific," Paramount . . . Doris Lloyd to "I'm from Missouri," Paramount . . . Olin Howland and Clem Bevans to "Broadway Cavalier," Warners . . . Maurice Moscovitch to "Broadway Serenade," M-G-M . . . Francis X. Bushman, Jr., to "Song of the West," M-G-M . . . Helen Jerome Eddy to "Burn 'Em Up O'Connor," M-G-M.

✚

Dorothy Lee returns to the screen in "Twelve Crowded Hours," RKO . . . Hobart Cavanaugh to "Always Leave Them Laughing," Warners . . . John Miljan to "Torchy Runs for Mayor," Warners . . . Franklin Pangborn to "Broadway Serenade," M-G-M . . . Louise Beavers to "The Lady's from Kentucky," Paramount . . . Claire Dodd and Sybil Jason to "Dr. Judith Randall," Freida Inescourt vehicle, at Republic . . . James Dunn replaces Dick Purcell in "Pride of the Navy," Republic.

✚

Writers—Anthony Veiller is working with Sy Bartlett on Paramount's "Invasion." . . . Jerry Cady is doing additional work on Paramount's "I'm from Missouri" . . . Seton I. Miller has been assigned to work with Robert Rosson on "Dust Be Thy Destiny," at Warners.

✚

Directors—John Farrow is signed to direct RKO's "The Saint Strikes Twice" . . . Ray McCarey is guiding Warners' "Torchy for Mayor."

✚

Contracts—M-G-M has extended the contract of writer Jacques Duval.

N. H. Xmas Party Dec. 20

New Haven, Dec. 12.—Exchange Employes' Local B-41 will hold its second annual Christmas dinner party and dance on Dec. 20 at Dave's, inviting local exchange managers as guests. Sam Zipkin, Universal; James Mahan, Paramount, and Jack Mullen, Warner, are in charge of arrangements.

Bock Father of Twins

Cincinnati, Dec. 12.—Twins, a boy and girl, the first children in the family, have been born to Mr. and Mrs Ervin Bock at Christ Hospital. The father is manager of the RKO Palace.

Vote Down Sunday Films

Fayetteville, N. C., Dec. 12.—Board of Aldermen here voted five to three against an ordinance to permit the showing of Sunday films here.

'Cowboy' with $9,000 Frisco Best Grosser

San Francisco, Dec. 12.—"The Cowboy and the Lady" took a strong $9,000 at the United Artists to lead. "The Citadel" "Spring Mandness" at the Paramount were good for $14,000, and "You Can't Take It With You" at the Orpheum drew $9,500 in the third week.

Estimated takings for the week ending Dec. 6-9:

"Service De Luxe" (Univ.)
GOLDEN GATE—(2,850) (35c-40c-55c), 7 days. Stage: vaudeville. Gross: $13,000. (Average, $16,000)

"The Cowboy and the Lady" (U.A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c-65c), 7 days, 3rd week. Gross: $9,000. (Average, $7,000)

"The Citadel" (M-G-M)
"Spring Madness" (M-G-M)
PARAMOUNT—(2,740) (15c-35c-40c-55c-75c), 7 days. Gross: $14,000. (Average, $13,000)

"You Can't Take It With You" (Col.)
ORPHEUM—(2,440) (15c-35c-40c-55c), 7 days, 3rd week. Gross: $9,500. (Average, $8,500)

"Angels With Dirty Faces" (W.B.)
"Listen, Darling" (M-G-M)
FOX—(5,000) (15c-35c-40c-55c-75c), 7 days, 2nd week. Gross: $17,500. (Average: $17,000)

"Submarine Patrol" (20th-Fox)
"Down on the Farm" (20th-Fox)
ST. FRANCIS—(1,400) (15c-35c-40c-55c-75c), 7 days, 2nd week (moved over from Paramount). Gross: $5,200. (Average, $7,000)

"Say It In French" (Para.)
"Illegal Traffic" (Para.)
WARFIELD—(2,680) (15c-35c-40c-55c-75c), 7 days. Gross: $7,500. (Average, $13,000)

"Grand Illusion" (World)
CLAY—(400) (15c-35c-40c), 7 days, 5th week. Gross: $850. (Average, $1,300)

"Pugachev" (Amkino)
LARKIN—(390) (15c-35c-40c), 7 days. Gross: $800. (Average, $1,300)

'Corner' Is Omaha's Big Take at $11,400

Omaha, Dec. 12.—"Just Around the Corner," dualled with "Youth Takes a Fling," grossed a fine $11,400 at the Orpheum. Warm weather hurt business. "Citadel" and "Torchy Gets Her Man" were good for $8,100 at the Omaha. Second week of "Angels" pulled $4,200 at the Brandeis as a single.

Estimated takings for the week ending Dec. 7-8:

"Angels With Dirty Faces" (F.N.)
BRANDEIS—(1,200) (25c-35c-40c), 7 days, 2nd week. Gross: $4,200. (Average, $4,000)

"Citadel" (M-G-M)
"Torchy Gets Her Man" (W.B.)
OMAHA—(2,200) (25c-40c), 7 days. Gross: $8,100. (Average, $5,500)

"Just Around the Corner" (20th-Fox)
"Youth Takes a Fling" (Univ.)
ORPHEUM—(3,000) (25c-40c), 7 days. Gross: $11,400. (Average, 7,200)

Readers Ask Recognition

Hollywood, Dec. 12.—With a membership of 30, and claiming to represent a majority of the workers in screen readers departments of eight studios, the Screen Readers Guild has filed a petition with the N.L.R.B. for recognition as the collective bargaining agency for such workers.

Ohio House to Chakeres

Springfield, O., Dec. 12.—Phil Chakeres has bought the Grand in Circleville, O., from Pickaway Amusement Corp. The house will be remodeled and enlarged to seat 1,000.

▸ Radio Personals ◂

WILLIAM A. SCHUDT, JR., general manager of WKRC, is spending 10 days here on business. . . . Cary Grant has been signed to appear on the Kellogg show, which begins Jan. 15 over NBC-Red. Al A. Schillin has resigned at WINS sales manager. . . . James L. Kilgallen, I. N. S. feature writer, will begin his commentary series over WNEW at 10 P. M. tomorrow. . . . Radio stars will appear Thursday night at the five benefits being staged by the Radio Division of the Christian Committee for the Relief of Jewish Refugees in Manhattan, Bronx and Brooklyn.

KSO in Des Moines Doubles Its Power

DES MOINES, Dec. 12.—KSO of Des Moines has become a 5,000-watt station, doubling its power and increasing its potential listening audience to over 1,000,000 persons, the station management estimated.

With the increased wattage new equipment was added, including new power amplifiers and a new 172-foot tower at the KSO transmitter. Plans are also being made for the installation of the new Miller tape transmission methods for transcribed radio programs.

Two Writers Share New Series on NBC

Two Washington newspapermen, Mark Sullivan and Jay Franklin, will be heard in a new series on NBC titled "Public Interest in Democracy." They will analyze America's major problems, and will offer their own solutions. Sullivan will represent the conservatives, Franklin the liberals. The show is to start Dec. 21 and will be broadcast from 10:30 to 11 P. M. Wednesdays on the Blue.

KOIL, WWNC Join in CBS Web in Spring

KOIL, Omaha, and WWNC, Asheville, N. C., will join the CBS network early in the spring, at which time their existing network affiliation with NBC will end.

KOIL, operating with 5,000 watts daytime, 1,000 watts at night, will join the CBS basic network on or before April 26, 1939. WWNC, 1,000 watts day and night, will become a member of the CBS Southeastern group by June 1.

Kyser Series Renewed

Kay Kyser's quiz series for the American Tobacco Co. has been renewed for another 13 weeks, effective Jan. 4, 1939. The series is broadcast Wednesdays from 10 to 11 P. M. over 89 stations of the NBC-Red. Lord & Thomas is the agency.

Burke Replaces Strous

Frank Burke, formerly publicity director for Consolidated Radio Artists, will take over Irving Strous' duties as head of Leading Attractions, Inc., Paul Whiteman's booking and publicity setup.

FCC Denies WLW Super-Power Plea

WASHINGTON, Dec. 12.—F. C. C. today denied the petition of WLW to abandon oral argument on extension of the station's super-power permit Dec. 15.

Petitioning for leave to withdraw the request for oral argument, the station asked the commission to instruct the super-power committee to modify its report to include specific findings of fact upon each of the issues specified in the notice of hearing, adopt the report so amended as its proposed report and acquaint the station with the position to be taken by the commission with respect to each question of law presented by the record.

Suit of RCA Against WBO Is Under Way

Trial of the copyright infringement suit brought by RCA against WBO Broadcasting Corp., operators of WNEW, started yesterday in the U. S. District Court here before Federal Judge Vincent L. Leibell. RCA seeks an injunction to restrain the station from broadcasting RCA-Victor recordings of Paul Whiteman and his orchestra. Trial continues tomorrow.

At the same time, a stipulation was filed discontinuing Whiteman's suit against the station.

Fibber McGee Heads WOW Xmas Show

OMAHA, Dec. 12.—Fibber McGee will headline WOW's Christmas Charity Show at the Ak-Saz-Ben Coliseum on Dec. 18. Three shows will be given with proceeds going to charity.

Directed by Lyle DeMoss, production manager, the show will also include WOW "Follies" of 40 staff members, including Fred Ebener's orchestra, choir, units and novelty numbers.

WLW Promotes Bailey

CINCINNATI, Dec. 12.—J. N. Bailey, press relations director of WLW, WSAI and W8XAL, has been named head of WLW newsroom, succeeding Harold McEwan, just resigned as head of the joint WLW-WSAI news department.

Brennan Quits NBC

SAN FRANCISCO, Dec. 12.—Tom Brennan, veteran coast radio personality, has resigned as CBS program director here to join Long Advertising Service. His place is taken by Van Fleming, formerly with NBC's production staff at KPO.

Renew "Man's Family"

"One Man's Family," popular network dramatic series sponsored by Tenderleaf Tea Co. on the NBC-Red network, has been renewed for another year, effective Jan. 1. J. Walter Thompson is the agency.

Pepsodent Show Off

Pepsodent Co.'s "Candid Lady" series, a daily except Saturday and Sunday dramatic strip on a split NBC network, will leave the air Dec. 16, and is not to be replaced. Lord & Thomas is the agency.

Thompson Agency to Aid SAG Show by Releasing Artists

HOLLYWOOD, Dec. 12.—Cooperation of the J. Walter Thompson agency was assured for the Screen Actors' Guild program today by Danny Danker who declared that artists under contract with the agency would be released for the S.A.G. radio show "whenever the artist can be released without conflict in schedule or interest to our client and his program."

The S.A.G., under its contract with Gulf Oil Co. which will sponsor the hour, promised to have certain film stars appear on the show. A temporary difficulty arose when it was discovered that the Thompson agency had several of the top ranking performers under exclusive contracts.

Elimination of the snag was accomplished after a conference between Danker, Mike Levee of the Artists' Managers' Guild, and Ralph Morgan and George Murphy of the S.A.G.

Levy Sells 370 CBS Shares in October

WASHINGTON, Dec. 12.—Disposition by Leon Levy, director, of 370 shares of Class "B" Columbia Broadcasting System stock in October was reported today by the Securities and Exchange Commission in its semi-monthly summary.

At the close of the month, the commission stated, Levy held 44,530 shares of the Class "B" and 37,850 shares of the Class "A" stock.

KPO-KGO Drops Three

SAN FRANCISCO, Dec. 12. — Commentator Coleman Cox, "mistress of charm" Sharon Merrill and Dorothy McKenzie, woman commentator on "Backseat Driver," are out of NBC KPO-KGO here in an economy move. Other retrenchments include cutting "Jingletown Gazette," variety, from five to three programs a week, and "Crosscuts from Log of the Day" from five shows to two a week.

Breneman on NBC

SAN FRANCISCO, Dec. 12.—Tom Breneman's weekly "Spelling Bee," sponsored by Marco Dog and Cat Food on KSFO, CBS outlet, switches to NBC's Red network station, KPO, Dec. 30, for six months. Breneman will remain as M.C. He recently resigned as director of programs for CBS here.

Baker on Dole Show

Phil Baker will begin a new series for the Dole Pineapple interests on CBS Jan. 14, through a placement just effected by Young & Rubicam. The series is to be heard Saturdays from 9 to 9:30 P. M. Beyond the signing of Baker, no other program details have been concluded.

"Revivals" Adds Stations

"Old Fashioned Revivals," coast-to-coast Mutual sponsored show, has added six stations of the Oklahoma network, plus WSAI, Cincinnati, through a placement by R. H. Alber Co., agency handling the series. Program features Dr. Charles A. Fuller.

FCC Calendar

WASHINGTON, Dec. 12.—Change of frequency from 1,140 to 1,070 kilocycles, extension of time from sharing with KVOO to unlimited, and an increase of power from 5,000 to 50,000 watts have been asked by WAPI, Birmingham, Ala., in an application filed with the Federal Communications Commission.

An increase in power, from 100 to 250 watts, was also asked of the commission by KSAM, Huntsville, Tex.

Three applications for new stations sought by A. Corenson were made the subject of hearing Jan. 23, following a hearing on the application of WFIL, Philadelphia, for an increase in day power from 1,000 to 5,000 watts.

Trading as the Northwestern Broadcasting Association, Corenson is seeking a 1,310-kilocycle, 100-watt unlimited time station at Evanston, Ill.; as Bureau of Education, a 1,420-kilocycle, 100-watt daytime station at Montebello, Cal., and as Elgin Broadcasting Association, a 1,500-kilocycle, 100-watt daytime station at Elgin, Ill.

A hearing will be held Jan. 20 on the application of WRR, Dallas, for an increase of power from 500 to 1,000 watts.

Lee Named Manager Of KGFF, Oklahoma

OKLAHOMA CITY, Dec. 12.—Joseph W. Lee, for the last year and a half general manager of KTOK here and managing director of the Oklahoma network, has been appointed manager of KGFF at Shawnee, Okla., a network station.

W. G. Dunn, who has been serving as manager for the last few months, will devote his full time to the management of the *Shawnee News and Star*, with which the radio station is affiliated.

New Show Over KFBK

SAN FRANCISCO, Dec. 12.—Children of northern and central California will be targets of a new radio campaign over KFBK, Sacramento, sponsored by Frozen Fudge Service Co. of that city. Program is called "Station KIDS," will be heard three times a week, and may later be added to stations in the bay area here.

WBRY Added to CBS

WATERBURY, Dec. 12.—W B R Y, Waterbury and New Haven, is the latest CBS outlet in this territory.

Total of 101 Radio Stations in Mexico

Mexico City, Dec. 12.—Mexico has 101 radio stations as of Dec. 1, of which 96 are in regular operation, according to the Ministry of Communications and Public Works which has control of air affairs in this country. Of the total stations, eight are Government or semi-Government owned. Twenty-seven of all the stations are in the Federal District, which includes this city. Thirty-nine of the stations are in American border communities.

Thanks FOR THE SHOWMANSHIP...

Selznick International and United Artists bow their appreciation to J. J. Parker, owner of the BROADWAY, PORTLAND, OREGON, and his advertising director, Ted Gamble. By linking a great picture with a superlative campaign, business soared far above "Star Is Born" and "Prisoner of Zenda"...and that means receipts were in the highest record brackets!

J·J·PARKER'S
BROADWAY
STARTS TODAY!

5 Great Stars

OF all the grand picture hits you've ever seen *here's one that offers more gay entertainment—more heart warming fun . . .*

Plus the Appeal of a Screenful of Your Favorite Stars . . . Than Any Show Portland Has Seen Since the Celebrated "Deeds" or "It Happened One Night"!!

Let Nothing Keep You From Seeing This Sensational Program!

JANET GAYNOR ROLAND YOUNG
DOUG FAIRBANKS, Jr. BILLIE BURKE
PAULETTE GODDARD

DAVID O. SELZNICK, who gave you "A STAR IS BORN" "PRISONER OF ZENDA" "LITTLE WOMEN" & "DAVID COPPERFIELD" **presents**

"THE YOUNG *in* HEART"

BASED ON THAT SPARKLING SATURDAY EVENING POST STORY BY I. A. R. WYLIE "THE GAY BANDITTI"!

FILE COPY

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

L. 44. NO. 116 NEW YORK, WEDNESDAY, DECEMBER 14, 1938 TEN CENTS

FCC Tightens Renewal Rule For Licenses

Must Apply Over 60 Days Before Expiration

Washington, Dec. 13.—Rules requiring radio stations to apply for license renewals more than 60 days in advance of the expiration of the license, heretofore loosely applied, hereafter will be strictly enforced, it was stated by the Federal Communications Commission today.

No temporary license or extension of license will be issued under any circumstances where stations fail to file application for renewal, the F. C. C. also ruled. When an application is received less than 60 days before an expiration, a temporary extension of license only will be granted.

Broadcasters also were ordered to exercise more care in filing applications for renewal and to see that they reflect "actual conditions" at the time of filing, in order to obviate the necessity of returning applications for correction.

Additional developments in radio yesterday on page 10.

Jim Roosevelt Is on Way Here for Xmas

Chicago, Dec. 13.—James Roosevelt, vice-president of Samuel Goldwyn, Inc., arrived here today from Rochester, Minn., en route to New York and Washington to spend the holidays with his family. He plans to remain here until Friday on personal business.

Labor Chiefs Warn Mexican Stations

Mexico City, Dec. 13.—Radio stations throughout Mexico were warned of a strike by unionists if they persist in broadcasting information derogatory to Vincente Lombardo Toledano, chief of the Confederation of Mexican Workers, Mexico's labor czar, and Luis Rodriguez, president of the Party of the Mexican Revolution.

Pathe Plan Out; New Scheme to Be Ready Soon

Liquidation plan for Pathe Film Corp. was abandoned yesterday when proxies representing only 60 per cent of the company's stock were voted in favor of the plan at a special meeting of Pathe stockholders.

A new proposal designed to accomplish the major part of the liquidation plan will be completed next week and sent out to the company's stockholders, however. The new plan is expected to provide for liquidation of Pathe's physical assets. Other assets, including the duPont Film Manufacturing Corp. stock, Monogram Pictures stock and RKO notes, would be retained by Pathe Film.

It was not disclosed what proposal would be made under the new plan for disposition of the Bound Brook laboratory. However, it probably will be offered to the highest bidder, with a new company, headed by O. H. Briggs, Pathe president, and associates, making an offer which may be incorporated in the new proposal.

The abandoned liquidation plan had

(*Continued on page* 4)

Loew Net Near $11,000,000; "U" Quarter Seen $200,000

Net profit of around $10,500,000 to $11,000,000 will be reported by Loew's, Inc., for the fiscal year ended last August, before taxes and dividends on the preferred.

Figures were brought out in testimony in the minority stockholders' action in State Supreme Court here yesterday and were subsequently confirmed by a company official.

Universal's net for the final quarter of the fiscal year ended Nov. 1 may amount to around $200,000. This is nearly double Wall Street estimates of two weeks ago and results from smaller year-end adjustments, applicable during the final quarter, than had been calculated earlier.

For the first three quarters of its fiscal year Universal showed a loss of around $700,000. Profit for the final quarter, therefore, should reduce the loss for the year to approximately $500,000. This is considerably less than half the loss reported for the

(*Continued on page* 4)

Federation's Aim Is 1,000 Guests At Bernie Lunch

It is the plan of the Amusement Division of the Federation for the Support of Jewish Philanthropic Societies of N. Y., under the chairmanship of David Bernstein and Major Albert Warner, to bring the attendance at the Ben Bernie testimonial lunch at the Hotel Astor on Dec. 19 to more than 1,000 persons. Eddie Cantor is host at this luncheon.

At yesterday's meeting of chairmen of the various subdivisions and subcommittees, at which Jack Cohn of Columbia presided, reservations for several tables were subscribed for. The luncheon yesterday was for the purpose of discussion and for reports by the various chairmen on the progress of the campaign to raise $225,000, the quota set this year by the film and theatrical division of the federation. Besides Cohn, among those who addressed the meeting were Harry Brandt and William Brandt of the Independent Theatre Owners committee; Benjamin S. Moss, head of the theatrical accessories group; Louis Bernstein, chairman of the song publishers and composers committee; William Morris of the agents and managers division; William Klein, chairman of the legitimate theatres group; Spyros P. Skouras, Joseph Seidelman of Universal; Sam E. Morris of Warners; Malcolm Kingsberg of RKO; Her-

(*Continued on page* 4)

Michalove Returns From Sydney Jan. 9

Dan Michalove, assistant to S. R. Kent, 20th Century-Fox president, is due back Jan. 9 from Australia where he has completed a survey of Hoyts Theatres properties, in which the film company has an interest.

Michalove, accompanied by Irving Barry, assistant to Skouras, already has sailed from Sydney.

160 New Yorkers On Schine Dinner List

Albany, Dec. 13.—Every phase of the film industry will be represented here Monday night when 500 guests honor J. Meyer Schine and Louis Schine. List of the reservations, read at yesterday's meeting of the Schine dinner committee, included 160 metropolitan New York friends of the Schines.

Speakers are to be announced today. Philip C. Fox, Columbia branch manager and committee chairman, said that the downtown section of Albany

(*Continued on page* 4)

ITOA Seeks 100% Accord On Giveaways

RKO, Loew's to Hold Off Until It Is Obtained

Loew's and RKO, before eliminating cash giveaways, are going to make certain that the independents are sincere along the same line. Already a majority of the I.T.O.A., of which Harry Brandt is president, is understood to have subscribed to the movement for abandoning the games in metropolitan New York.

To obtain action from the affiliated circuits, the independents are making an effort to achieve a 100 per cent accord among themselves.

There has been much history written in the trade about giveaways and exhibitor intentions to eliminate them. In New York in the early spring of 1937, both RKO and Loew banished box office stimulants in all their theatres in the metropolitan New

(*Continued on page* 4)

Lurie Steps Out of Mae West Company

Hollywood, Dec. 13.—Louis Lurie, San Francisco financier, is understood to have withdrawn from business association with Mae West in film production.

The reported deal whereby Miss West's pictures would be released through United Artists is understood to be out, too.

National Anthem in All Warner Houses

Pursuant to the wishes of Harry M. Warner, president of Warner Bros., Joseph Bernhard, general manager of Warner Theatres, has instructed all the company's managers that "The Star Spangled Banner" must be played every day in all Warner theatres throughout the country. Mr. Warner's purpose is to stimulate devotion and loyalty to American ideals.

It is an enlargement of the Warner patriotism campaign, a feature of which is the production and distribution of two-reel color historical shorts, based on patriotic incidents in the nation's history.

◂ Purely Personal ▸

J. A. McConville, Columbia foreign manager, Joseph Friedman, managing director for England, and Mrs. Friedman, will arrive from London tomorrow on the *Queen Mary*. McConville has been abroad for six weeks. Friedman will be here several weeks for home office conferences.

•

W. A. Scully, Universal sales manager, and W. J. Heineman, assistant, are in Chicago to meet Nate Blumberg, president, en route east, tomorrow. They are due back Friday.

•

Jules Levy, RKO general sales manager, is in Chicago conferring with Walter Branson, midwest district head, and Jack Osserman, branch manager.

•

Ray Milland arrived in New York by plane yesterday and will sail with Mrs. Milland on the *Queen Mary* on Friday to spend eight weeks in England.

•

Richard Carlson, of "The Duke of West Point," will be host at the showing of the film at the Music Hall tomorrow evening.

•

Chester Morris will leave for the coast Friday after a two-week vacation here, stopping off in Albany en route west.

•

Harry Curry of London is back in New York to confer with J. H. Hoffberg, who returns from the coast next week.

•

Morris Legendre, North Carolina theatre owner, is stopping here en route to Washington.

•

Harry Goldberg, advertising and publicity head for Warner Theatres, is ill with the flu.

•

Gabriel Pascal, producer of "Pygmalion," arrives on the *Queen Mary* tomorrow.

•

Arleen Whelan will leave New York for the coast today after 10 days here.

•

June Travis is in town.

THE MERCURY

GIANT SKYSLEEPERS

OVERNIGHT TO LOS ANGELES

Fly the Southern SUNSHINE route overnight to Los Angeles. Through service. No change of planes. Giant SKYSLEEPERS. Complimentary meals served by stewardesses.

Mercury
Lv. 5:10 p. m.
(only 3 stops)

Southerner
Lv. 9:10 p. m.
(only 5 stops)

FOR RESERVATIONS: Call Your Travel Agent or VANderbilt 3-2580. Ticket Offices: 45 Vanderbilt Ave., and Rockefeller Center, 18 W. 49th St.

AMERICAN AIRLINES Inc.

Insiders' Outlook

OPINION exists in Wall Street that tentative approval of RKO's reorganization plan may be granted Friday, by Federal Judge William O. Bondy. Such opinion is premised upon the known desire of the court to hasten RKO's emergence from 77b, providing all legal requirements are met.

Whether the court will predicate its approval upon making certain changes in the plan, is not known.

There is some speculation in creditor circles regarding the possibility of an improved conversion right for debenture holders to be asked for, but that might condition granting greater rights also to creditors, in return.

▼ ▼

George Jessel, the nonpareil, has been booked solid for the next two weeks as an after dinner speaker in a dozen or more cities. Starting with the Philadelphia Variety Club banquet, Jessel is visting Worcester, Boston, Washington and midwest cities to preside at dinners. Sunday night he will talk at the Broadway Temple Methodist Church on "Religion."

▼ ▼

Thomas France, chairman of the London and Home Counties Branch of the C.E.A., referring to current political propaganda, insisted the exhibitors' business is to sell entertainment, not politics. He spoke at the annual banquet last night at which the guest of honor was Sir Walter Womersley, Assistant Postmaster General, who substituted for Anthony Eden.

▼ ▼

Benefit shows run by Interstate Circuit in the southwest for German refugees grossed a total of $40,000. Attendance was above average in the large cities, but slipped in the small towns, where publicity was slight and general interest small. Dallas led with $8,900, Houston had $6,500, San Antonio, $5,500, Fort Worth, $3,600.

▼ ▼

Variety Club of Twin Cities have voted to raise $25,000 for the German refugees through the sale of 100,000 theatre tickets at 50 cents.

Technicolor's Profit For 1938 $1,200,000

Technicolor's consolidated net profit for 1938 is estimated at about $1,200,000, before Federal taxes, by Herbert T. Kalmus, president and general manager. This compares with $571,395 for 1937.

Company directors yesterday voted a dividend of 15 cents a share, payable Dec. 28, to stockholders of record Dec. 21. This makes a total of $1 a share paid this year, and compares with 75 cents paid during 1937.

M.P.P.D.A Meeting Off to Next Tuesday

Quarterly meeting of the board of M. P. P. D. A., scheduled for today, will be postponed to next Tuesday because of the absence from the city of Sidney R. Kent, Nate J. Blumberg and George J. Schaefer. Blumberg and Schaefer are due in New York Friday from the coast. The latter is scheduled to be elected to the M. P. P. D. A. board at the coming meeting.

Two Sign with Guild

Triple A Productions (Harold Orlob) and West Coast Sound Studio have signed the modified form of Screen Actors' Guild basic agreement. They are the first production organizations in the east to sign the new contract form.

A. T. P. Loss $177,215

London, Dec. 13.—A net loss of $177,215 is reported by Associated Talking Pictures for the year ended June 30 last. Production profits and sundry revenue amount to $160,740 and no provision was made for losses by subsidiary companies.

Vitaphone Planning Xmas Show for Kids

Employes of Warners' Vitaphone Studios in Brooklyn, under the supervision of Sam Sax, will hold a Christmas party for 1,000 children. The majority of these children are relatives of the employes. This year's party is being jointly conducted by the studio and home office Warner Clubs. A one-ring circus will feature the party, and the children will receive gifts. Refreshments will be served.

The committee on arrangements are: John T. Holmes, national president of the Warner Club, R. W. Budd, chairman, Harry Mayer, A. W. Schwalberg, Max Blackman, George O'Keefe, Ed Savin, Stuart Aarons, Sam Schneider, Jules Levy, Harold Rodner, Nat Fellman, Irving Birnbaum and Ann Martin.

The "OVERLAND FLYER" to LOS ANGELES

Deluxe United Mainliner Sleeper

★ Latest Sleeper departure — 11:45 p. m. Arrive Hollywood in mid-afternoon. Luxurious, quiet, fewest stops. Or take United's famed "Continental" Sleeper. Lv. 5:20 p.m., ar. 9:25 a.m. Reservations: 58 E. 42nd St., MU 2-7300. Or travel bureaus, hotels.

UNITED AIR LINES
The Main Line Airway

Production Spurts With 47 Pictures Shooting on Coast

Hollywood, Dec. 13.—Production spurted this week to 47 pictures before the cameras, highest since the production rush last July. Twelve pictures started, six finished; 13 are being prepared, and 75 are in the cutting rooms.

Started were: "First Offender," Columbia; "Wuthering Heights," Goldwyn; "Women in White," M-G-M; "Santa Fe Bound," Monogram; "Heritage of the Desert," Paramount; "The Saint Strikes Back," RKO; "Ridin' the Range," "Dr. Judith Randall," "Pride of the the Navy," and "The Lone Ranger Rides Again," Republic; "Three Smart Girls Grow Up," Universal; "Smashing the Money Ring," Warners.

Others Shooting

In addition to these shooting were: "Lone Wolf No. 1," "Let Us Live," Columbia; "Ice Follies of 1939," "The Wizard of Oz," "Idiot's Delight," "I Take This Woman," M-G-M; "Union Pacific," "Me and My Gal," "Hotel Imperial," "Midnight," "Sudden Money," "The Lady's from Kentucky," "I'm from Missouri," Paramount; "Love Affair," "The Romantic Castles," "The Flying Irishman," "Twelve Crowded Hours," RKO; "It's Spring Again," Roach; "Mr. Moto in Porto Rico," "Winner Takes All," "Jones Family in Hollywood," 20th Century-Fox; "Son of Frankenstein," "You Can't Cheat an Honest Man," Universal; "Stage Coach," Wanger; "Oklahoma Kid," "Yes, My Darling Daughter," "Always Leave Them Laughing," "Dodge City," "Juarez," "Broadway Cavalier," "Torchy Blane Runs for Mayor," Warners.

Finished were: "Burn 'Em Up O'Connor," "Paroled to Exile," Monogram; "Cafe Society," and "Never Say Die," Paramount; "The Mysterious Miss X," Republic, and "Chasing Danger," 20th Century-Fox.

RKO started one short subject, which is still shooting. Columbia finished one. Five are being prepared, and 14 edited.

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

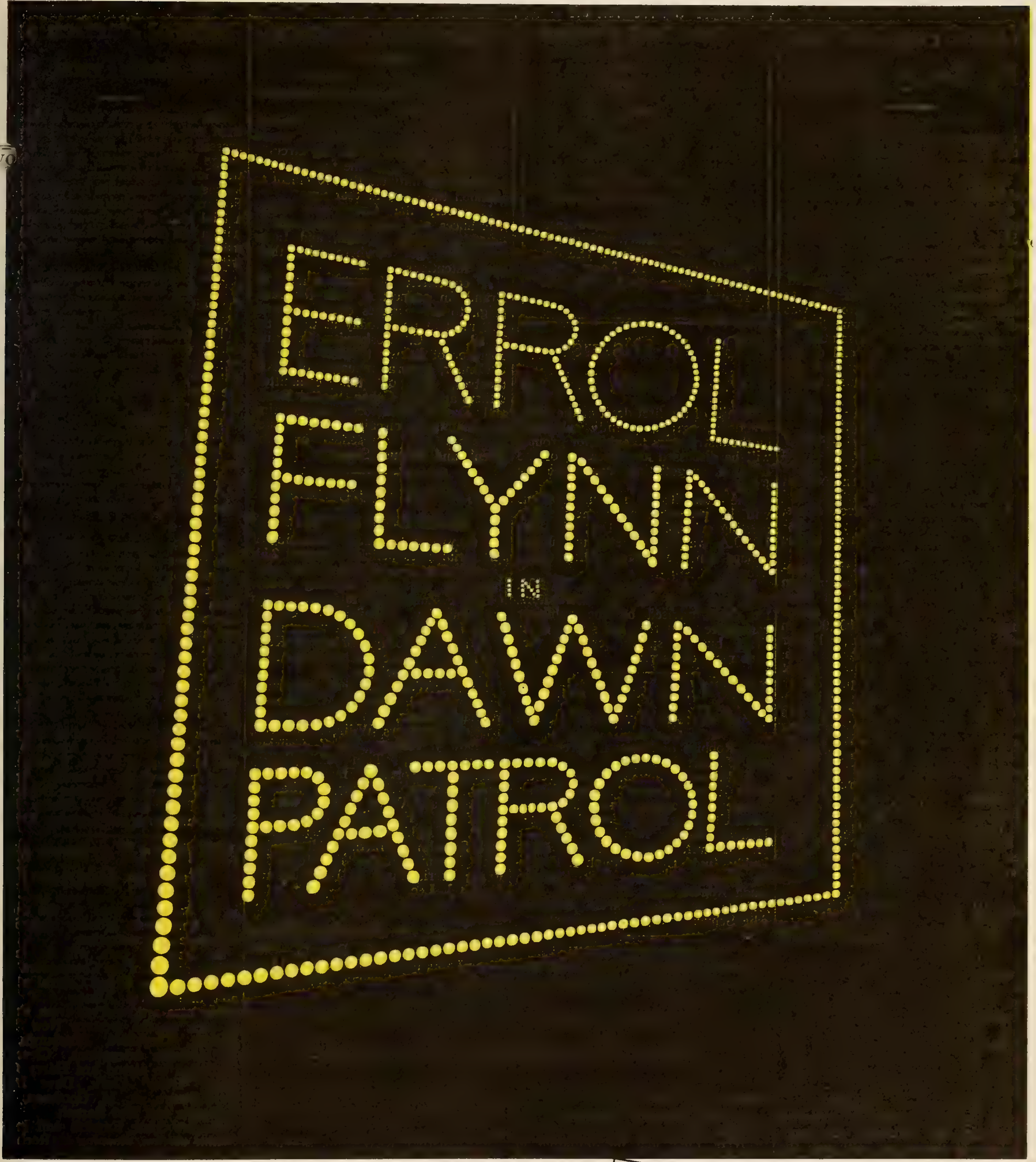
Other Quigley publications: Motion Picture Herald, Better Theatres, Teatro al Dia, International Motion Picture Almanac and Fame.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the

The *Light* Before Xmas



**RELEASED DECEMBER 24TH
PRECEDED BY SPECTACULAR
COLOR ADS IN *LIFE, LOOK,*
CLICK AND 14 OTHERS!**

with
BASIL RATHBONE · DAVID NIVEN
DONALD CRISP
Melville Cooper · Barry Fitzgerald · Carl Esmond
Directed by EDMUND GOULDING
Screen Play by Seton I. Miller and Dan Totheroh · From an
Original Story, by John Monks Saunders · Music by Max Steiner
WARNER BROS., *Producers*

Pathe Plan Is Out; New Proposal to Be Ready Shortly

(Continued from page 1)

been proposed under a new provision of the 1938 U. S. Revenue Act which required that the proposed plan have the approval of 80 per cent of the stockholders and that the liquidation be completed before the end of this month. Approximately 325,000 shares, or 55 per cent of the total outstanding, were counted in favor of the plan and an estimated additional five per cent was said to be on hand but uncounted. An adjournment of the meeting to continue solicitation of proxies was made impossible by the time limitations on completing the dissolution of the company prior to the end of the month. The new liquidation plan will not be brought under the same statute, of course.

Suits Caused Hitch

A statement issued by the company following the meeting implied that the necessary amount of stock to carry the proposal would have been obtained except for the restraining actions filed by duPont and minority stockholders, both of which, however, were dismissed in Federal court prior to the stockholders' meeting.

Briggs told the meeting that negotiations by Pathe for the acquisition of one laboratory on the west coast and two in the east from "a major company" for about $2,000,000 in Pathe stock had been abandoned prior to formation of the liquidation plan. The negotiations included a contract for the major company's printing to be done by Pathe. Briggs said the price was regarded as too high and limitations placed on future printing charges to the company were too restrictive. In reply to stockholders' question, Briggs declined to state whether the company referred to was Paramount.

Replying to another question, Briggs said that inquiries concerning purchase of Pathe's duPont stock holdings had been made last summer but no "firm offer" was ever received.

Loew Net for 1938 Is Near $11,000,000

(Continued from page 1)

preceding 52 weeks. Universal has been operating in the black since Sept. 1. November operations showed a substantial profit and the pace is being maintained currently, giving definite indications of a profitable first quarter for the current fiscal year.

Paramount's 1938 earnings are estimated in Wall Street to be running in the neighborhood of $1,000,000 or slightly higher. Dividends from theatre subsidiaries are estimated to supply the bulk of this figure, although the picture company is in the black.

National Theatres, in which 20th Century-Fox owns a 42 per cent interest, may show a profit for the year of around $2,500,000 according to current Wall Street estimates.

Montgomery GN Head

San Francisco, Dec. 12.—George N. Montgomery, special representative for Grand National, has taken over management of the local exchange, replacing H. Bradley Fish, resigned.

Mayer on Stand in Loew Suit Monday

Louis B. Mayer is expected to take the witness stand on Monday in the minority stockholders' suit against the company now being tried by Justice Louis A. Valente in the N. Y. Supreme Court. William Fox will follow on Dec. 21. This was revealed in informal conversation between the court and counsel for both sides.

The plaintiffs' accountant testified yesterday and, in addition, portions from the depositions of 13 Loew witnesses were read into the record.

ITOA to Discuss Pact Draft Friday

Details of the first draft of the trade practice program, recently submitted by the distributors to exhibitor groups, will be discussed at a meeting of the I.T.O.A. negotiating committee on Friday.

The committee's recommendations will be presented at a membership meeting scheduled for Dec. 21. The I.T.O.A. was one of seven unaffiliated groups which conferred with the distributors.

William F. Rodgers of M-G-M, who has acted for the distributors, has been advised by the exhibitor committees that they are studying the draft, but no specific criticism has been received as yet.

1,000 Guests Is Aim At Bernie Luncheon

(Continued from page 1)

man Robbins of National Screen Co., and Herbert J. Yates.

Additionally among those present were Jules Brulatour, Irving Caesar, Samuel M. Forrest, Harry M. Goetz, Leon Goldberg, Max Gordon, Marcus Heiman, Arthur Israel, Jr., Herman H. Landwehr, Abe Lastfogel, Mark Leddy, Budd Lytton, Ralph I. Poucher, Sidney Piemont, Jack Robbins, Budd Rogers, Sam Rosen, Sam Sax, Aubrey Schenck, Marvin Schenck, Abe Schneider and Joseph Somlo.

"40 LITTLE MOTHERS"

National Pictures Corp. will distribute "Le Mioche" in this country as "40 Little Mothers."

ITOA Is Seeking Giveaways Accord

(Continued from page 1)

York area. This ban was effective for several weeks.

At that time, there was an understanding that the independents would take similar action as the big circuits, especially in view of the fact that the independents initiated the movement to abandon the game at that time.

However, the Loew and RKO grievances are that the independents failed to follow through, and Loew and RKO got nowhere with their good intentions.

A committee of seven named by Brandt in connection with the campaign to drive games out of theatres will meet at noon today at the Astor Hotel. C. C. Moskowitz, executive operator of Loew's theatres and J. J. O'Connor, general manager of RKO theatres, are on this committee. Others are Max Cohen, Walter Reade and David Weinstock, representing the unaffiliated circuits. The smaller operators are represented by Abe Shenk and Samuel Seelen.

20th-Fox Convention Talks Sales Policies

Hollywood, Dec. 13.—Discussion of territorial sales policies occupied 20th Century-Fox division and district managers at the sales meeting today. Darryl F. Zanuck will address the men on Thursday. "Tailspin," "Charlie Chan in Hollywood" and "Kentucky" were screened today. Sidney R. Kent, president, addressed the meeting at the Ambassador Hotel yesterday.

Herman Wobber, general sales manager, presided. Joseph M. Schenck, William Goetz, Sol Wurtzel and division managers William Sussman, William J. Kupper, W. C. Gehring, Edgar Moss, Tom H. Bailey, George A. Roberts, Harry C. Ballance, Morton A. Levy, Clyde W. Eckhardt and Ward E. Scott were in attendance. From New York were J. P. O'Loghlin, William J. Clark, Jack Sichelman, Martin J. Moskowitz, Jack Bloom, Charles E. McCarthy, Roger Ferri, Harry H. Buxbaum and Joseph J. Lee.

To Vote on Sunday Films

Smithfield, N. C., Dec. 13.—Citizens of this town will vote Jan. 10 on whether or not Sunday films will be permitted.

The Newsreel Parade

Anthony Eden speaking before the National Association of Manufacturers in New York and the initiation of Alfred Landon into the Ancient Order of Shellbacks were the major events covered in the new issues of the newsreels, out yesterday. The reels and their contents follow:

MOVIETONE NEWS, No. 27—Eden addresses N. A. M. Landon ceremony at Equator. Luxury tractor tested. Statue of Liberty cleaned for World's Fair. Farley celebrates silver jubilee of parcel post. Governor Chandler at premiere of "Kentucky." African club here. Fashions. Party for mermaids. Lew Lehr. Giants beat Packers.

NEWS OF THE DAY, No. 225—Eden speaks. Landon initiated. New Navy blimp. Monkey island in Hollywood. New dance introduced. Decorate Paris streets for Christmas. Giants win title.

PARAMOUNT NEWS, No. 38—Fire in paper plant. Eden defines Democracy. Traditional Equatorial ceremony. Norway mourns Queen Maud. Mrs. Roosevelt and Jack Benny aid refugees. Monkey island in Hollywood. Giants take National title.

RKO PATHE NEWS, No. 42—Eden speaks before N. A. M. Last rites for Kemal Ataturk. Czechs elect new president. Landon initiated. New streamline blimp for Navy. Giants win grid crown.

UNIVERSAL NEWSREEL, No. 727—Landon at Equator. Eden speaks. Mrs. Roosevelt aids refugees. Ataturk funeral in Turkey. Dr. Hacha is new Czech president. Blimp in first flight. Christmas shopping in New York. Monkey island in Hollywood. Texans back Garner for president. Giants beat Packers.

U. S. Hits Plea for Bills of Particulars In Anti-Trust Suit

The Government's views in the anti-trust suit, New York, are clearly expressed in briefs filed with Federal Judge William Bondy. In these br[illegible] the Government brands the request of independent companies for bills of particulars as "directed toward procuring a trial brief of the Government's case with a full disclosure of all evidentiary matters as well as the names of its witnesses."

The Government revealed in these briefs that such requests would delay the suit for many months and would require a petition 500 pages long.

The Government charges "flagrant misrepresentation" of remarks made by Paul Williams, special assistant Attorney General, in connection with the motion by United Artists to strike out portions of the Government's original complaint.

It is denied by the Government that it lacks sufficient knowledge to connect U.A. with the alleged conspiracy, and that Williams had meant that U.A. had no part in the charges on monopoly in production.

Charge "Unfair Practices"

The Government briefs declared that it was not necessary for each co-conspirator to be connected with every phase of the conspiracy. Its allegations charged unfair "trade practises imposed upon independent exhibitors" and unfair "favors and advantages extended by defendants to each other" are proper allegation as affecting U.A. It is also charged by the Government that an attempt is being made to "limit narrowly the charges of the Government."

These briefs were filed by Moses H. Lewis, special assistant Attorney General in charge of the N. Y. office, and were prepared by Thurman Arnold, Paul Williams, J. Stephen Doyle, Jr., John F. Clogett, Jr., Shelby Fitze, Seymour Simon and Seymour Krieger.

160 New Yorkers on Schine Dinner List

(Continued from page 1)

is to be given over to the out-of-town film guests Monday night in an elaborate demonstration.

At least 10 cars will be in the Schine section of the Commodore Vanderbilt, leaving Grand Central at 4:20 and arriving at Albany 6:59 P.M. Eight cars are reserved from Buffalo to pick up the western New York, Detroit, Cleveland, Pittsburgh and Bellefontaine delegations. Clevelanders listed to attend are Harry Goldstein, "Duke" Clark, Dave Miller, Bert Stearn, A. M. Goodman, I. J. Schmertz and Nat Barach.

Empire State Express will have a Schine section, stopping at Rochester, Syracuse, Utica and Fonda.

Gets "Ballerina" in NE

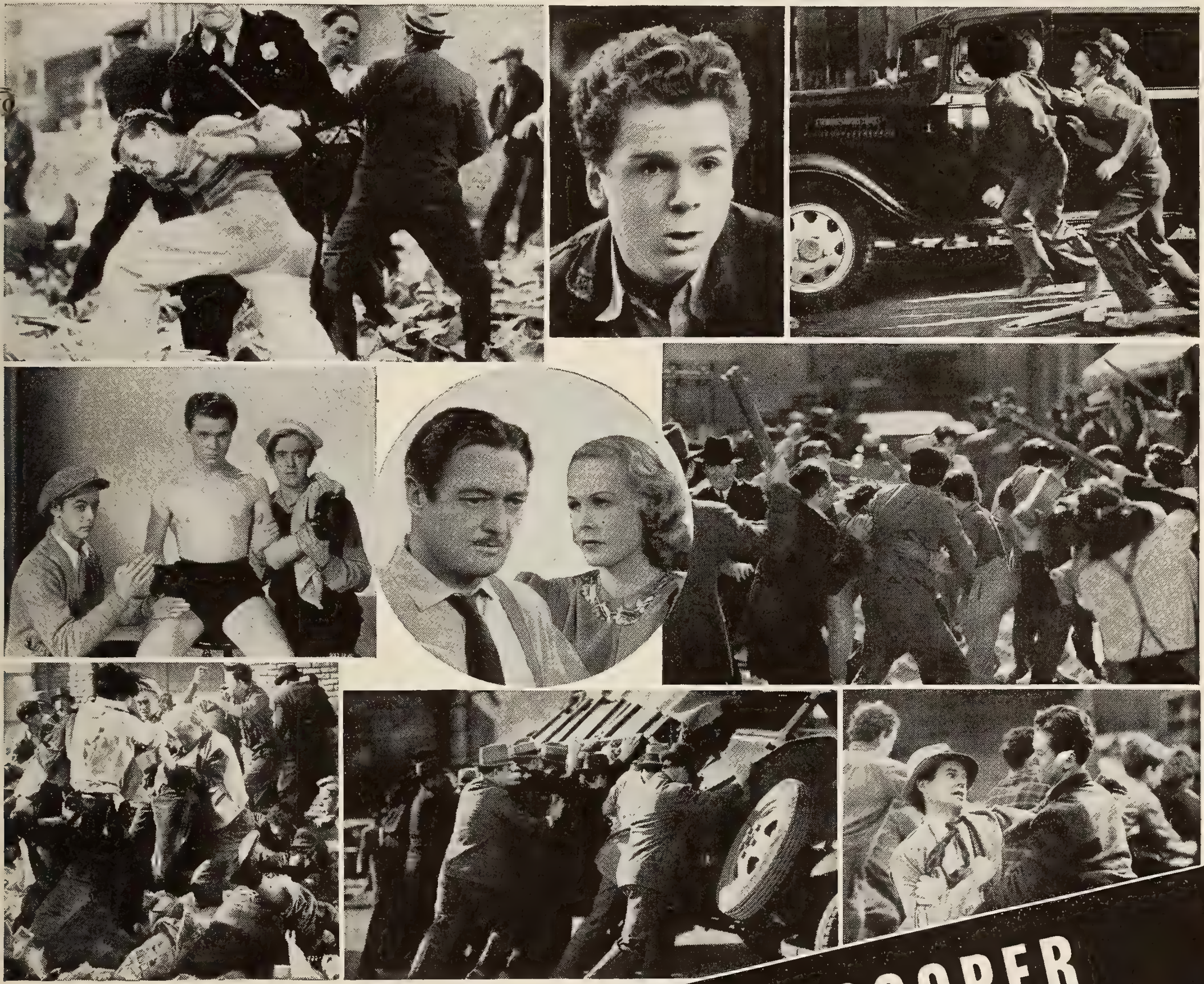
Arthur Mayer and Joseph Burstyn have sold the New England rights on "Ballerina" to Abraham J. Zimmerman, Boston attorney. Four other Mayer-Burstyn French releases were included in the deal.

Keith Memorial Has Loss

Keith Memorial Theatre Corp. reports for 1937 a net loss of $53,889.

VIOLENCE....

Reading time this ad 1 minute. Playing time this picture three times normal run!



...the violence of hardpressed youth...of hungry hearts and hungry stomachs...guarding the street crumbs that gave them life!

JACKIE COOPER

in A UNIVERSAL PICTURE

NEWSBOYS' HOME

with

EDMUND LOWE

Wendy BARRIE · Edward NORRIS

Samuel S. HINDS · Elisha COOK, Jr.

and

THE LITTLE TOUGH GUYS

Directed by HAROLD YOUNG

Screenplay by GORDON KAHN

Original story by Gordon Kahn and Charles Grayson

Associate Producer KEN GOLDSMITH

UNIVERSAL PICTURES

FOR RELEASE DECEMBER 23RD

'Cowboy Lady' Leads in Loop With $18,600

Chicago, Dec. 13.—"The Cowboy and the Lady" were the most popular folks in the Loop last week, the Cooper film garnering a smart $18,600 at the United Artists theatre for the opening week. John Boles, in person, at the Chicago gave impetus to "Angels With Dirty Faces" and the second week of that picture was a strong $32,000.

Lola Lane and "Secrets of an Actress" at the Oriental kept that house in the big money with a $16,000 gross. Elsewhere business was not much more than average and in many places less than that as the Christmas slump started to gain momentum. The weather was unsettled most of the week and that didn't help any.

Total first run business was $103,400. Average is $103,000.

Estimated takings for the week ending Dec. 6-10:

"The Great Waltz" (M-G-M)
APOLLO—(1,400), (35c-55c-65c) 7 days. Gross: $6,200. (Average, $6,500)
"Angels With Dirty Faces" (W.B.)
CHICAGO—(4,000) (35c-55c-75c) 7 days. 2nd week. Stage: Johnes and Revue. Gross: $32,000 (Average, $32,000).
"Men With Wings" (Para.)
GARRICK — (900) (30c-40c-50c) 7 days. 2nd week. Gross: $4,600. (Average, $6,500)
"Secrets of an Actress" (F.N.)
ORIENTAL—(3,400) (25c-30c-40c) 7 days. Stage: Lola Lane and Revue. Gross: $16,000. (Average, $13,000)
"A Man To Remember" (Radio)
PALACE — (2,500) (35c-55c-75c) 7 days. Stage: Boys Town Revue. Gross: $14,000. (Average, $19,000)
"Stablemates" (M-G-M)
ROOSEVELT—(1,300) (35c-55c-75c) 7 days. Gross: $12,000. (Average, $11,000)
"Cowboy and The Lady" (U.A.)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days. Gross: $18,600. (Average, $15,00

Poli Theatres Heads Assessments in N. H.

New Haven, Dec. 13.—Poli New England Theatres, Inc., heads the theatre assessments on the new list here, with an assessment of $1,516,925. Among the 264 taxpayers who have assessments in excess of $100,000 are also the Arena Co., $509,000, Bernhart E. Hoffman et al, $137,450, Howard Theatre Co., $105,460, Harry L. Lavietes, $114,680.

Hollywood Preview

"A Christmas Carol"

(M-G-M)

Hollywood, Dec. 13.—In the whole English literature there is probably a no more dated story than Charles Dickens' "A Christmas Carol." In its merit as a human interest story, one that is strong in its power to effect the more sentimental emotions, it has few rivals in any language. No work is more timely to the Christmas season.

The theme of Dickens' allegory needs no reiterating. Its moral is just as modern, as pointed and significant to the world of today, as it was when it was written almost 100 years ago. Suffice to say its producer, Joseph L. Mankiewicz, his director, Edwin L. Marin and all the players, those important in its plot and those incidental to the action and detail—have brought it to screen realism in full keeping with all the fine traditions that have grown up about the classic.

In comparison with the pictures of today, the styles they adapt and the preachments of one kind or another they attempt, "A Christmas Carol" may be considered by many as a lot of hokum. It is hokum. But it's the kind of hokum that sometimes makes people shudder. It makes them laugh, too. And, inevitably, it brings tears. No doubt those who see it will be inspired. Most likely they will leave the theatre resolved to make this Christmas happier for themselves; happier for those less fortunate.

Reginald Owen is an exceptional "Ebenezer Scrooge." He makes the early "Scrooge" a mean man, but one who is not so much a "horror" as was the product of Dickens' imagination. When he dreams his dreams, though, later to become a real human being, he is all the author visioned. The other characters, played by Gene Lockhart, Kathleen Lockhart, Terry Kilburn, Barry Mackay, Lynne Carver, Leo Carroll, Lionel Braham, Ann Rutherford, D'Arcy Corrigan and Ronald Sinclair, are as Dickens created them. Similarly the production effects, settings and details substantiating the story are authentic of the London of 1840. Few dialogue changes were made by Hugo Butler, who did the screenplay.

Running time, 65 minutes. "G."* G. McC.

---

* *"G" denotes general classification.*

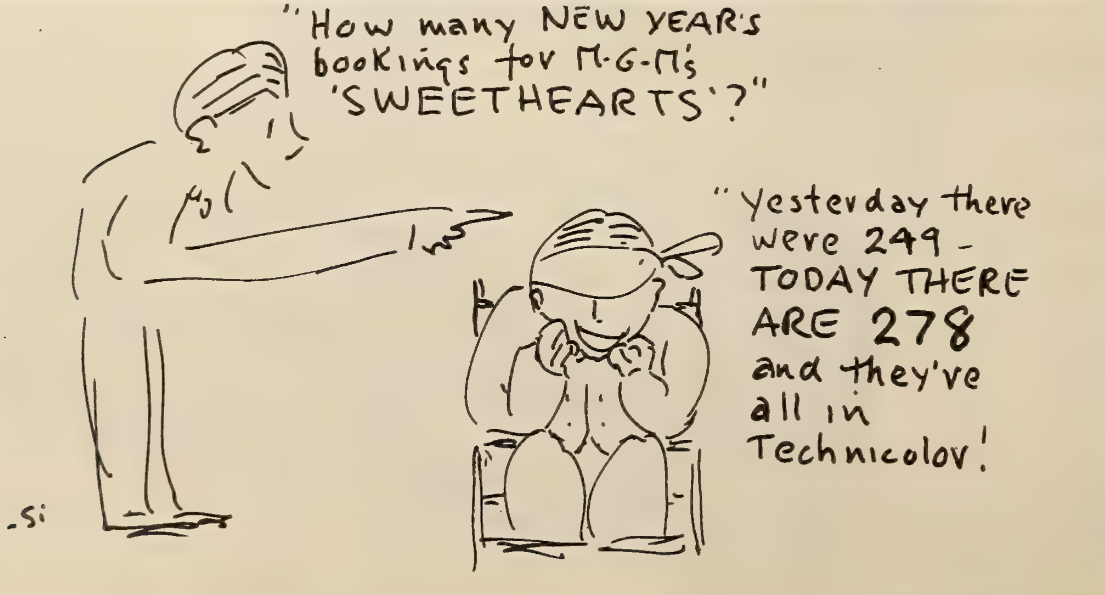
Indiana Circuit to Offer Common Issue

Washington, Dec. 13.—Registration statement covering proposed issue of 50,000 shares of $5 par Class "A" common stock, to be offered at $6 per share, was filed with the Securities and Exchange Commission by Pix Theatre Circuits, Inc., Gary, Ind.

Company plans to use $300,000 derived from sale of the stock for the purchase of three theatres and equipment and for working capital. Samuel B. Nissley is president of the corporation and Warren Franklin Corp. is the principal underwriter.

Bitner, Feist File Suit Against MGM

Bill of complaint has been filed setting forth the details in the breach of contract suit brought by Edgar F. Bitner and the estate of Leo Feist against M-G-M Corp. The complaint alleged that in October, 1935, M-G-M purchased 1,450 shares of Leo Feist, Inc., which carried with it control of the company. The purchase price allegedly was $177,000 apiece to Feist and Bitner, payable in installments of $44,250. It is claimed that the last installments to Bitner and Feist were unpaid.


"How many NEW YEAR'S bookings for M-G-M's 'SWEETHEARTS'?"
"Yesterday there were 249 - TODAY THERE ARE 278 and they're all in Technicolor!"
-Si

'School' and Kemp Boost Milwaukee's Leader to $10,000

Milwaukee, Dec. 13. — "Girls' School" and Hal Kemp's orchestra were the week's favorites with $10,000 at Fox's Palace. Second mo[illegible] went to "The Storm" and Ina Ray Hutton at the Riverside for a $7,500 gross.

"Out West With the Hardy's and "Listen, Darling," was the only other bill to break par, collecting $8,500 at Fox's Wisconsin.

Estimated takings for the week ending Dec. 7-8:

"Angels With Dirty Faces" (F.N.)
"Service De Luxe" (Univ.)
WARNER—(2,400) (35c-50c), 7 days, 2nd week. Gross: $5,000. (Average, $5,000)
"Out West With the Hardys" (M-G-M)
"Listen, Darling" (M-G-M)
WISCONSIN — (3,200) (35c-50c), 7 days Gross: $8.500. (Average, $8,000)
"Girls' School" (Col.)
PALACE—(2,400) (35c-50c), 7 days. Stage: Hal Kemp. Gross: $10,000. (Average, $5,000)
"The Storm" (Univ.)
RIVERSIDE — (2,300) (25c-35c). 7 days. Stage: Ina Ray Hutton. Gross: $7,500. (Average, $5,000)
"If I Were King" (Para.)
"Thanks for the Memory" (Para.)
STRAND—(1,400) (35c-50c), 7 days Gross: $3,200. (Average, $4,500)

'Hardys' at $15,500 Smash in Cincinnati

Cincinnati, Dec. 13. — Horace Heidt and orchestra helped "Hard to Get" to $16,000 at the RKO Shubert. "Out West with the Hardys" collected $15,500 at the RKO Palace, and "The Cowboy and the Lady" was good for $12,000 at the RKO Albee.

Estimated takings for the week ending Dec. 8:

"The Cowboy and the Lady" (U.A.)
RKO ALBEE — (3,300) (35c-42c), 7 days. Gross: $12,000. (Average, $12,000)
"Out West With the Hardys" (M-G-M)
RKO PALACE—(2,700) (35c-42c), 7 days. Gross: $15,500. (Average, $10,000)
"Hard to Get" (W.B.)
RKO SHUBERT—(2,150) (35c-42c-60c) 7 days. Stage: Horace Heidt and Orchestra. Gross: $16,000. (Average, $12,000)
"Angels With Dirty Faces" (F.N.)
RKO CAPITOL—(2,000) (35c-42c), 7 days, 2nd week. Gross: $4,100. (Average, $6,500)
"A Man To Remember (RKO)
RKO LYRIC — (1,400) (35c-42c), 7 days. Gross: $2,800. (Average, 6,500)
"Brother Rat" (F.N.) -
RKO GRAND—(1,200) (25c-40c), 7 days, 3rd week. Gross: $2,800. (Average, $2,750)
"Lawless Valley" (RKO) 2 days
"Last Express" (Univ.) 2 days
"I Stand Accused" (Republic) 3 days
RKO FAMILY—(1,000) (15c-25c). **Gross:** $2,350. (Average, $2,450)
"Thanks for the Memory" (Para.)
KEITH'S—(1,500) (30c-40c), 3 days. Gross: $900. (Average, 7 days, $6,500)
"The Shining Hour" (M-G-M)
KEITH'S—(1,500) (30c-40c), 4 days. Gross: $2,400. (Average, 7 days, $6,500)

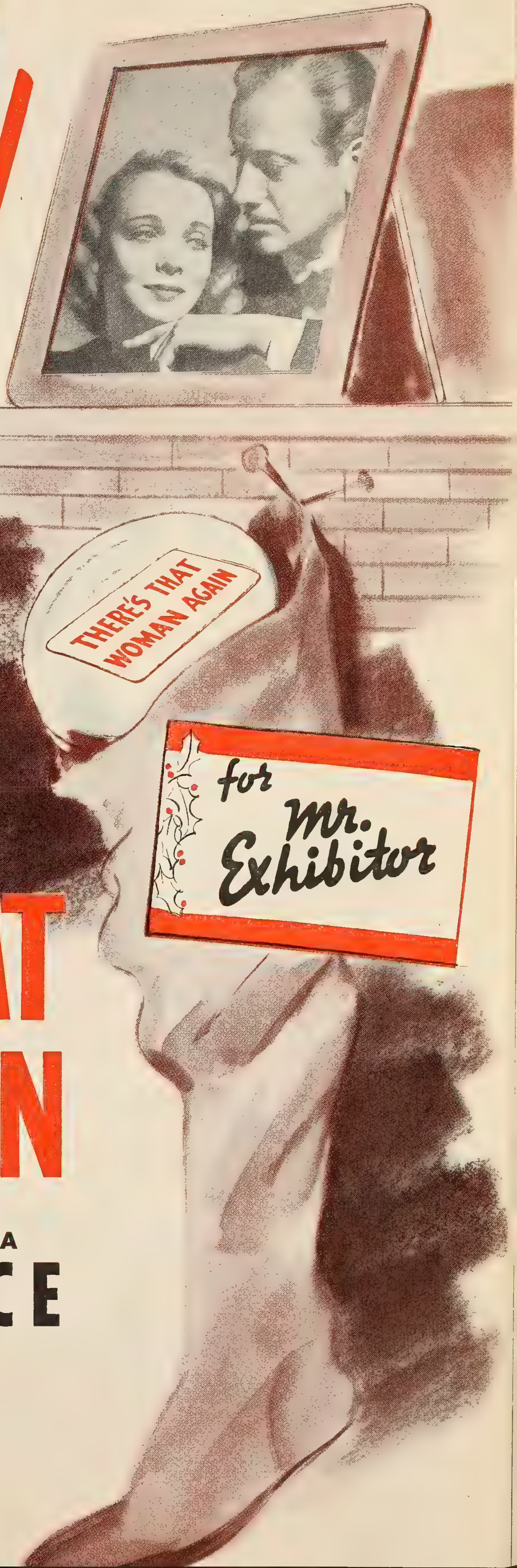
Table Bill in Cincy On Child Attendance

Cincinnati, Dec. 13.—Pending an agreement with school authorities and parent-teacher associations, the City Council has tabled an ordinance requiring theatres to obtain an additional annual operating license, and prohibiting attendance of children under 16 during school hours, and not later than 8 P. M. on any evening preceding a school day, even if accompanied by parents, with license revocable by the City Manager for violation.

Council's action in deferring the measure was influenced by Charles D. Mervis, manager of the Rialto, representing the suburban exhibitor group.

Holiday Cheer!

and a cheer for another swell Columbia comedy . . . . funnier than "There's Always A Woman" . . . .


THERE'S THAT WOMAN AGAIN
for Mr. Exhibitor

FOR XMAS . . . GIVE YOUR PATRONS A SCREAMLINED GIFT

THERE'S THAT WOMAN AGAIN

Co-starring

MELVYN DOUGLAS · VIRGINIA BRUCE

MARGARET LINDSAY
STANLEY RIDGES

Screen play by Philip G. Epstein, James Edward Grant, Ken Englund
Directed by ALEXANDER HALL
A COLUMBIA PICTURE

'Shining Hour' Is Capital Best Bet, Capturing $5,800

Washington, Dec. 13.—"The Shining Hour" grossed a good $5,800 at Loew's Columbia, to lead comparatively. "The Great Waltz," in its second week at Loew's Palace, took $10,500, and "A Man to Remember" drew $10,000 at RKO Keith's.

Estimated takings for the week ending Dec. 8:

"Drums" (U. A.)
LOEW'S CAPITOL—(3,434) (25c-65c) 7 days. Stage: Jay C. Flippen, Vox & Walters, Deane Janis. Gross: $14,500. (Average, $16,500)

"The Shining Hour" (M-G-M)
LOEW'S COLUMBIA—(1,243) (25c-40c) 8 days. Gross: $5,800. (Average, $4,200)

"The Great Waltz" (M-G-M)
LOEW'S PALACE—(2,370) (25c-55c) 2nd week, 7 days. Gross: $10,500. (Average, $10,000)

"A Man To Remember" (RKO)
RKO KEITH'S—(1,836) (25c-40c) 7 days. Gross: $10,000. (Average, $10,000)

"Hard To Get" (W. B.)
WARNERS' EARLE—(2,218) (25c-65c) 7 days. Stage: Dick Foran, Arren & Broderick. Gross: $14,000. (Average, $16,000)

"Men With Wings" (Para.)
WARNERS' METROPOLITAN—(1,591) (25c-40c) 7 days. Gross: $3,800. (Average, $4,000)

W. E. Declares Dividend

Western Electric board of directors yesterday declared a dividend of 25 cents per share on the common stock, payable Dec. 28 to stockholders of record Dec. 23.

Hollywood Preview

"Heart of the North"

(Warners)

Hollywood, Dec. 13.—Action, adventure and romance are the entertainment and commercial qualities of "Heart of the North." Done in color, with practically all action taking place outdoors against picturesque scenic backgrounds, the show features Dick Foran, Gloria Dickson, Gale Page, Allen Jenkins, Patrick Knowles, Janet Chapman, James Stephenson, Anthony Averill, Joseph Sawyer and Joseph King in a Royal Canadian Mounted Police story.

Though Sawyer, minion of factor King, holds up a river boat, looting it of its gold and furs, suspicion for the crime is pointed towards Russell Simpson. While inspector Gore is willing to accept King's advice, troopers Foran and Jenkins have other ideas. For following Sawyer's trail, against orders, both are suspended from the service and ordered confined to quarters. Following the sensational blasting of a dam, they steal an airplane and quickly catch up with Sawyer's gang. The customary shooting episodes follow as well as a hair raising battle on the brink of a cliff before the disobedient "mounties" return with their man. They arrive just in time to prevent Simpson being lynched, force Miss Page to confess that she lied when she identified him as the bandit and as King is killed, Foran and Jenkins are restored to duty and promoted. As Miss Page leaves for civilization there is no further menace to the romance between Foran and Miss Dickson.

Melodramatic action and excitement is the essence of the Lee Katz and Vincent Sherman screenplay, based on William Mowery's novel which Lewis Seiler directed.

Running time, 80 minutes. "G."* G. McC.

---

*"G" denotes general classification.

Schaefer Due Monday

George J. Schaefer, chief executive of RKO, returns Monday from studio conferences.

COLUMBIA IS FIRST
with a red-hot expose
. . . the hottest news
story in a decade!
SMASHING THE SPY RING
A Columbia Picture

'Wings' $12,000 Is Montreal High

Montreal, Dec. 13. — "Men With Wings" soared high for the week when it grossed $12,000 at the Palace, and was held.

"The Cowboy and the Lady" did well with a $5,000 take at the Orpheum, while "Service DeLuxe" and vaudeville brought $7,500 to Loew's Theatre. The weather continued mild.

Estimated takings for the week ending Dec. 10:

"Suez" (20th Fox)
CAPITOL—(2,547) (25c-40c-55c-65c), 7 days Gross: $6,500, 2nd week. (Average, $9,500)

"Service De Luxe" (Univ.)
LOEW'S — (2,800) (25c-40c-50c), 7 days. Stage: Hollywood Star Doubles and vaudeville. Gross: $7,500. (Average, $8,000)

"The Cowboy and the Lady" (U.A.)
ORPHEUM—(919) (25c-35c-50c), 7 days. Gross: $5,000. (Average, $5,000)

"Men With Wings" (Para.)
PALACE—(2,600) (25c-40c-55c-65c), 7 days. Gross: $12,000. (Average, $11,000)

"Garden of the Moon" (F.N.)
"Racket Busters" (W.B.)
PRINCESS — (2,272) (25c-35c-50c-65c), 7 days. Gross: $6,000. (Average, $7,000)

Confer on K.M.T.A. Meetings in January

Kansas City, Dec. 13.—Frank Cassil, president of the Kansas-Missouri Theatres Association; George Harttmann, secretary; John Stapel and R. R. Biechele conferred in St. Louis with Fred Wehrenberg, president of the M.P.T.O. of Eastern Missouri and Southern Illinois, and the association's board of directors.

Purpose of the conference was to coordinate the series of exhibitor meetings in the eastern and western parts of the state. The K.M.T.A. will begin its series in Kansas the week of Jan. 9. The following week the Missouri sessions will be held. Mutual problems will be discussed.

Mexican Directors Organizing Union

Mexico City, Dec. 13.—Mexican directors are organizing a union that is to be affiliated with Mexico's most powerful labor organizations. A tentative regulation is a minimum fee of 7,500 pesos (about $1,500) per picture. Producers are frowning on the position as it would swell costs too greatly.

A 6,000-seat theatre is to be a feature of the headquarters building here of the Confederation of Mexican Workers. Construction will start in January.

The confederation has banned "Carmen," produced in Germany by CIFESA, Spanish producer, when the film had been advertised for special showing at the Cine Rex here at the unprecedented top for this city of five pesos ($1.05) for the benefit of the Spanish Red Cross. The Confederation forbade exhibition, contending that the picture is Nazi propaganda.

Canada May Not End Film Tax Until April

Toronto, Dec. 13.—Intimation from the Customs and Excise Division of the Department of National Revenue is that the removal of the three per cent excise tax, imposed under the Special War Revenue Act on many imports from the United States and now scheduled to be abolished in the new trade agreement, will not take place until after the close of the Dominion fiscal year March 31, 1939.

Abolition of this tax must be approved by Parliament and it is believed that the legislative machinery cannot be speeded up on the guarantee contained in the pact, although all other provisions of the agreement becomes effective Jan. 1. The special excise tax is applied against the duty-paid value of all film positives and negatives, projection equipment, cameras and parts, accessories and theatre supplies, the custom duties on which are being reduced.

Record Closes Deals On 2 New Pictures

Fred McConnell of Record Pictures has arranged distribution on Herbert Wilcox's "The Gang," with Syndicate Exchanges, New York and New Jersey; Big Feature Rights Exchanges, Ohio, Kentucky and Tennessee; Progressive Picture Co., Buffalo and Albany; Hollywood Film Corp., Philadelphia; Cameo Screen Attractions, New England; Sack Amusement Enterprises, Atlanta, Dallas and Chicago.

"Convicts at Large" has been sold to Cameo, New England; Principal Film Exchange, New York and New Jersey; Monarch Pictures Co., Pittsburgh; Big Feature Rights, Ohio, Kentucky and Tennessee; Hollywood Film Corp., Philadelphia.

RCA in Two Circuits

Contracts have been signed for installation of RCA Photophone equipment in the 80 theatres of the Blank Circuit in the midwest and of the Commonwealth Circuit in Missouri. Myron Blank and Dave Dewey of the Blank circuit and Clarence A. Schultz and Dick Orear, Commonwealth representatives, negotiated the contracts with RCA.

Three Outstanding
NEW FILMS

EASTMAN announces three important new negative films for the professional motion picture field.... *Plus-X:* fast, fine-grained. Unsurpassed for general studio work.... *Super-XX:* super-speed, surprisingly small grain. For difficult newsreel shots, or for use wherever exposure is a problem.... *Background-X:* ultrafine grain, ample speed. For backgrounds. Also excellent for all-round exterior work.... These films not only make dramatic advances along their particular lines, but offer the high reliability and photographic quality typical of Eastman sensitized materials. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, Fort Lee, Chicago, Hollywood.)

EASTMAN *Plus-X...*
Super-XX...Background-X

Radio Personals

ARTHUR BORAN has been appointed to head the radio show of the Christian Committee for the Relief of Jewish Refugees to be staged tomorrow at the Academy of Music. . . . Abbott and Costello, of the Kate Smith program, are being considered for a picture berth by Warners. . . . Rosalind Sherman, formerly of WINS, has joined the WNEW staff and will conduct her interviews over that station hereafter.

+

Frank Parker returns to the Burns and Allen show as regular vocalist Dec. 16. . . . Carl Lloyd, a newcomer to radio, has joined the night press staff at CBS. . . . John Edwards has replaced Bob Baral on the overnight trick in the same publicity office. . . . Eddie Davis, bandleader father of Hal Davis of the CBS press staff, has joined with Martin Dicker in a new radio production setup.

Horton Is Appointed Sales Head of WEEI

Kingsley Horton, for the past two years account executive at Radio Sales, Inc., selling bureau for CBS owned and operated stations, has been named sales manager of WEEI, Boston, and will start his new duties on Monday. He will be succeeded at Radio Sales by Frank R. McDonnell, formerly head of Advertisers Service, Inc., a transcription subsidiary of Gene Grombach.

Has Frisco Fair Show

SAN FRANCISCO, Dec. 13.—Homer Griffith, former WLW commentator who conducted promotional programs for the Chicago and Dallas expositions, has started a similar show on KJBS here for the 1939 Golden Gate International Exposition. Assisted by Mrs. Griffith, he airs a chatty "guide" to various attractions at the forthcoming fair.

Ayers on WOR Today

Col. Leonard P. Ayres, economist and banker, will be heard over WOR-Mutual today from 1 to 1:30 P.M. in a talk on "The Outlook for Business in 1939" to the Cleveland Chamber of Commerce. The broadcast will be recorded and broadcast again over WOR-Mutual from 11:15 to 11:45 P.M.

FCC Calendar

WASHINGTON, Dec. 13.—Extension of time of KATE, Albert Lea, Minn., from day to unlimited with 100 watts power night, 250 watts day, has been approved by the Federal Communications Commission.

Acting on a number of broadcast cases, the commission denied the applications of the Florida West Coast Broadcasting Co., for a 1,300-kilocycle, 250-watt daytime station at Clearwater, Fla.; Pawtucket Broadcasting Co. for a 1,390-kilocycle, 1,000-watt station at Pawtucket, R. I.; George H. Payne for a 1,440-kilocycle, 500-watt station at San Jose, Cal., and W. A. Steffes for a 1,310-kilocycle, 250-watt daytime station at Minneapolis.

A number of applications were set for hearing, including those of Great Union High School District for a 1,420-kilocycle, 100-watt daytime station at North Sacramento, Cal.; Niagara Falls Gazette Publishing Co., for a 1,260-kilocycle, 1,000-watt daytime station at Niagara Falls, and KERN, Bakersfield, Cal., for change of frequency from 1,370 to 1,380 kilocycles and increase of power from 100 to 1,000 watts; KMJ, Fresno, Cal., for increase of day power from 1,000 to 5,000 watts; WTAQ, Green Bay, Wis., for increase of power from 1,000 to 5,000 watts, and WDAN, Danville, Ill., for extension of time from day to unlimited with 100 watts night, 250 watts day.

Authorization to erect a new 1,270-kilocycle, 250-watt broadcasting station has been asked by the Broadcasting Corporation of America, Riverside, Cal.

An application also has been filed with the commisison by WKBN, Youngstown, O., asking for an increase in day power from 500 to 1,000 watts.

Sues CBS on Song

LOS ANGELES, Dec. 13.—Austin Corcoran has filed suit in Federal Court, asking $175,000 from CBS, Montgomery Ward & Co., and Wills Carter, alleging plagarism of his poem, "Plain Bull," which was made into a song and sold on records. CBS is alleged to have broadcast the song.

There Is No Santa Claus

Foreign publicity managers of major companies at a meeting at M. P. P. D. A. headquarters voted to dispense with the Christmas banquet this year.

NAB Affirms Vote For New Standard

WASHINGTON, Dec. 13.—National Association of Broadcasters' directors, meeting here yesterday, affirmed the four resolutions adopted at the New York meeting of the N.A.B. and network heads last week. It was voted that:

(1) In view of the growing complex order of American life, a committee be appointed to re-evaluate the N.A.B. code of 1935.

(2) That the committee secure from all stations and networks copies of existing program policies and practices.

(3) That following a study of these, a new Standard of Practices be written for N.A.B. member stations.

(4) That a copy of the Standard of Practices, when approved by the N.A.B., he submitted to all N.A.B. broadcasters for study, prior to the next annual meeting, at which time the entire membership will consider the matter in convention.

The N.A.B. also adopted a resolution today saying, "it is the sense of the N.A.B. that American broadcasting stations should not carry advertising for distilled spirits." The board explained that by distilled spirits is meant "hard liquor."

'Bowery Mission' Is Renewed Over WHN

Gottfried Baking Co., sponsoring the "Bowery Mission" broadcasts for the past year on WHN, has closed a contract to continue its sponsorship for another 52 weeks, starting with the broadcast of Jan. 8.

Community Opticians, in another WHN deal, has renewed sponsorship of the "Early Bird" program for another 18 weeks. The series is a participation show. Commonwealth Advertising handled the placement.

Nesle-Lemur Co. has renewed its contract for participation in the "Polly, the Shopper" show, for 13 weeks. Monroe F. Dreher, Inc., is the agency.

Renew 3 NBC Shows

J. B. Williams Co. program, "True or False," heard Monday 10 to 10:30 P. M. over the NBC Blue and "Getting the Most Out of Life," sponsored by Standard Brands and heard from 11:45 to noon, have been renewed for 52 weeks effective Jan. 2. J. Walter Thomson is the agency. "Tale of Today" for Princess Pat, Ltd., over NBC also has been renewed for 52 weeks, effective Dec. 18. Gale and Pietsch is the agency.

Grant to Kellogg Show

Cary Grant has been signed by the J. Walter Thompson agency to co-star with Carole Lombard, previously signed, in the forthcoming new network series of the Kellogg Co., which begins over the NBC-Red network Jan. 15 at 10 P. M. Remainder of the cast still is unsigned.

Mutual to Air Grid Game

Mutual will broadcast exclusively the play-by-play description of the annual East-West all-stars football game on Jan. 2, from 4:45 P.M. until the end of the game. The broadcast will originate through the facilities of Mutual's affiliate KFRC.

Banner LINES

TO the query, "What was your greatest disappointment in life?" Irmgard Maron provided an eloquent answer, on Ed East's program over WHN the other night. [illegible]iss Maron, a German refugee in A[illegible]ca but a short time, replied that she was disillusioned by twentieth-century culture.

▼

Tom Revere, director of radio for Benton & Bowles, is a guesser par excellence when it comes to deducing what Crossley ratings will be. In a discussion with this department, Tom opined that the first Crossley on "Information Please" would be no better than the medium, which is about six. We thought that it would be nine or 10. Revere won, of course.

▼

A "must" on everyone's dial should be "Cavalcade of America," broadcast over CBS Dec. 19, at 8 P. M., when the life of the late Will Rogers will be the subject of the dramatization.

▼

Alton Cook, radio editor of the *World-Telegram*, appeared on the "Battle of the Sexes" the other evening and earned a perfect answer score—a perfect zero, same as he got on "Information please." He's really a bright fellow, though.

▼

Luck to Tom Brooks, the WNEW newscaster, and Norm Weiser, whose play "Hell's Pennies" has been bought by Elsa Granger Productions. The play is already cast and will go into production immediately, Sam English directing.

▼

There is to be a dance in honor of the delegates attending the Conference of American States in Lima, Peru, tonight, and some one at NBC envisioned the horrifying picture of the United States delegates tripping to the unfamiliar strains of the Peruvian rhumba bands. Accordingly there was a hasty conference at NBC yesterday, resulting in the booking of some good old Yankee swing bands whose music will be short-waved to Lima during the main dancing hours. The music will be by Art Shaw, Phil Spitalny and Russ Morgan. If that isn't the ultra in network service, it will do until some better example comes along

—JACK BANNER

Authors Suing NBC

Suit for $175,000 damages against NBC has been filed in N. Y. Supreme Court by Lodewick Vroom and George W. Butler, authors, for alleged breach of contract. The authors claim that NBC agreed to obtain a sponsor for their program, "Understudy Hour," for 26 weeks at $1,000 weekly. In addition, they charge that the idea was used with modifications which destroyed the value of the program and that they are now unable to market it.

Axton-Fisher on WNEW

Axton-Fisher Tobacco Co. has closed with WNEW for 30 spot announcements weekly on a 52-week deal. McCann-Erickson, Inc., is the agency.

YOU ASKED FOR THEM!
YOUR AUDIENCE WANTS THEM
"THE SCREEN TRAVELER"
Quality Travel Shorts
. . . EXCELLENT . . . ARTISTIC—M. P. Daily.
. . . EXCELLENT—M. P. Herald.
. . . MAGNIFICENT . . . OUTSTANDING . . . SCENIC DELIGHT
—Film Daily.
. . . FASCINATING . . . EXCELLENT . . . SUPERB
—Showmen's Trade Review.
First run bookings in New York City at
Radio City Music Hall, Roxy, Rivoli Theatres, etc.
Foreign Distribution by
United Artists Metro-Goldwyn-Mayer
PAUL P. DEVLIN
2 West 67th Street
New York, N. Y.
30 Timely Subjects
Key territories still available.

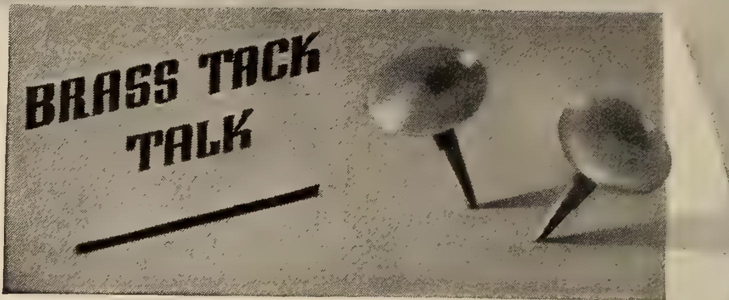
FAME

The Audit of Personalities

SCREEN
RADIO
CONCERT

Recording the elections of the box office public as set down by vote of showmen of the world

NEW YORK • CHICAGO • LONDON • HOLLYWOOD



Sure you can afford it!

"I always thought National Screen Service was too rich for my blood . . . figured my little theatre out here in the sticks couldn't afford your trailers . . . but I guess the best is the cheapest when it comes to trailers . . ."

Right you are, sir! National Screen Service is geared up to serve the smallest, most obscure theatre in the land . . . and from there, right up to the biggest first-run Palace. . . .

And the same showmanship, the same thought and care goes onto every one of the 12,000 screens we serve.

No form of theatre advertising costs so little as National Screen Service Pre-vues. This is one form of advertising that the smallest theatre can use at its best; can equal every other theatre in showmanship and quality. Every theatre can afford National Screen Service! In fact, NO theatre can afford to be without it.

CHECK RESULTS AGAINST COST . . .
THERE'S TICKET-SELLING SHOWMANSHIP IN
NATIONAL SCREEN PRE-VUES!

NATIONAL SCREEN Service!

ATLANTA ... 167-73 Walton St., N.W.
BOSTON ... 36-38 Melrose St.
CHARLOTTE ... 219-21 Mint St.
CHICAGO ... 1307 So. Wabash Ave.
CINCINNATI 119 West Central Pkway.

CLEVELAND ... 2336 Payne Ave.
DALLAS ... 2012-16 Jackson St.
DENVER ... 2144 Champa St.
DES MOINES ... 1003½ High St.
DETROIT ... 2949 Cass Ave.

KANSAS CITY ... 1706 Wyandotte St.
LOS ANGELES ... 2018 So. Vermont Ave.
MEMPHIS ... 500 So. 2nd St.
MINNEAPOLIS ... 1105 Currie Ave.
NEW ORLEANS ... 1431 Cleveland Ave.

NEW YORK ... 630 Ninth Ave.
PHILADELPHIA ... 1201-07 Vine St.
SAN FRANCISCO, 168 Golden Gate Ave.
ST. LOUIS ... 3318 Olive St.
SEATTLE ... 2418 Second Ave.

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 44. NO. 117 NEW YORK, THURSDAY, DECEMBER 15, 1938 TEN CENTS

Theatre Units Split on Trade Practice Draft

Independents Are Not Satisfied, Some Approve

Reports from exhibitors which are coming in from various parts of the country indicate that the exhibitors are divided on the question of approving or disapproving the tentative terms of the trade practice program for the industry recently submitted to them after extensive negotiations between their representatives and the distributors.

There is much opposition in Allied circles and among certain other independents. To these the present terms are unsuitable. On the other hand, certain independents favor the plan. Generally the plan seems to have the approval of the affiliated exhibitor units.

Nathan Yamins, national president of Allied, already has indicated that

(*Continued on page* 4)

Kane Sailing for Home Office Talks

LONDON, Dec. 14.—Robert T. Kane, head of 20th Century-Fox British production, will sail for New York early in January for conferences with Sidney R. Kent, president, and Darryl Zanuck, the company's production chief.

Walter J. Hutchinson, foreign manager for 20th Century-Fox, is expected in New York Dec. 22. He will sail from here accompanied by F. L. Harley, 20th Century-Fox British manager, and Ben Miggins, continental chief.

The company's quota program of "A" pictures for next season, to be produced by Gainsborough (G. B.) includes two with Annabella, and two films with Gracie Fields and Will Fyffe, in addition to "Crazy Gant," "Rob Roy," and possibly also "Hindle Wakes." "Rob Roy" will be in color. Monty Banks will direct one of the films.

These pictures will be made under Kane's supervision by Maurice Ostrer and Edward Blatt.

Goldsmith to Coast For Talks on "Sousa"

Judge Frederick E. Goldsmith, attorney for James Gillespie, left for the coast yesterday to confer on disposition of the film rights to "The Life of John Philip Sousa," which are held by Gillespie.

Several Firms to Pay Xmas Bonuses

Christmas bonuses will be paid this year by several major companies, as in other years. United Artists has approved a bonus of one week's salary for all employes. Loew's, 20th Century-Fox and Paramount are considering bonus payments and may take action on the same basis as last year.

Other companies were noncommittal on the subject, indicating that no decisions on the extra payments had been made yet.

RKO May End Current Year In the Black

With a net profit of $250,000 for October, RKO is expected to overcome the $480,000 loss for the first six months of 1938 and may finish the year in the black.

Third quarter earnings are estimated at around $125,000. Operations during July were about even, while the company was in the black by a modest margin during August and September. With the October results, the deficit for the year was reduced to around $140,000. November and December operations are in the black, although not up to the October pace. Regardless, the results for the final quarter may run around $350,000, giving RKO either a break-even or a small profit for the year.

Significance of the figure for 1938 lies in the fact that it is arrived at after including provision for $765,000

(*Continued on page* 3)

Schenck to Testify In His Own Defense

Nicholas M. Schenck probably will be the first witness for the defense in the minority stockholders suit against Loew's, Inc., in the N. Y. Supreme Court. The plaintiffs are expected to end their testimony today.

Following Schenck the expected witnesses will be Eugene Leake, J. Robert Rubin and David Bernstein. H. M. Bardt of the Bank of America, one of the executors of the estate of Irving Thalberg, also may be called. The appearance of Louis B. Mayer on the witness stand is questionable as his services are required on the coast. Reading of depositions continued at yesterday's hearing.

SAMUEL GOLDWYN FOR DIVORCEMENT

National Effect Of Giveaways To Be Studied

Before determining to abandon chance games in metropolitan New York theatres, the committee of exhibitors named by Harry Brandt to study the situation has decided to broaden its scope and attempt a survey of the effect of giveaways around the country, which will take several months. Also, the committee at a meeting in the Astor Hotel, yesterday, decided to enlarge its membership to include representatives from Skouras Theatres, Randforce, Prudential, Interboro and the Cocalis theatres.

Presently the committee stands at 7.

The committee has no plan on how to embark on its survey or how to eliminate giveaways.

The study which the committee proposes to make may provide the exhibitors with alternative stimulants for the box office.

Committee members, at present, include C. C. Moskowitz, J. J. O'Connor, Max Cohen, Walter Reade,

(*Continued on page* 4)

No Para. British Theatre Expansion

Paramount will not try to expand its theatre operations in Britain. This was indicated following conferences on British and European operations at the home office this week with Barney Balaban, Adolph Zukor, Stanton Griffis, John W. Hicks and David Rose participating.

Discussions about the company's British policies and future operations will be concluded today with decisions to be reached on the scope of Zukor's duties in his new post as head of the company's European operations, Paramount's British production policies and program and management of its distribution organization in England, as well as the manner of filling the post vacated by John Cecil Graham.

Rose returns to London tomorrow on the *Queen Mary* and Zukor will accompany him unless further conferences result in some delay. Griffis leaves for a two-week Florida vacation next Wednesday.

James Roosevelt Issues Statement, Giving Producer's Views

By WILLIAM CROUCH

CHICAGO, Dec. 14.—James Roosevelt, in a formal statement, tonight, said that Samuel Goldwyn and he favored separating production from distribution and theatre operation. This statement was made to dispel the impression that his "connection with the film industry had a direct connection with pending anti-trust suits against the major companies."

"I shall take no part whatsoever in the negotiations or proceedings with the Government," said Roosevelt, vice-president of the Goldwyn organization. Mr. Goldwyn and myself happen personally to agree with the Government's position in favor of separating the production companies from theatre ownership and operation.

"The company by which I am employed is not named in any of the suits. Mr. Goldwyn and I were in agreement long before my association with his company became effective concerning the above facts.

Just a Private Citizen

"I am going to work in the film industry as a private citizen in business with no political aspect of any kind."

Roosevelt stated that he was making the statement after consultation with Mr. Goldwyn and with the latter's full approval.

"I want to make perfectly clear," he said, "my position with regard to

(*Continued on page* 4)

Box-Office War Threatens Loop

Chicago, Dec. 14.—B. & K. will reopen the State-Lake here Christmas Day with a 40-cent top admission. Price is 15 cents under Jones, Linick & Schaefer's 55-cent top at the Oriental, just around the corner, which has inspired the local trade to speculate on the possibility of a price war developing in the Loop houses.

State-Lake will have stage show and "B" product, and Oriental is on the same policy. B. & K. however, has choice of product where that policy and class of house is involved.

Purely Personal

BRIGADIER GENERAL J. L. BENEDICT, commandant of West Point, and MRS. BENEDICT will entertain the senior staff of the academy at dinner and the evening showing of "The Duke of West Point" at the Music Hall tonight.

•

WALTER READE, WALTER READE, JR. and CHARLES BYRAN, general manager of Reade Theatres, are leaving for Albany Sunday to attend the Schine testimonial dinner Monday.

•

SAM PINANSKI returned to New York yesterday from Boston for further conferences at the Paramount home office. He was here for about 10 days on another recent visit.

•

RUDOLPH BACH, formerly with G.B., has joined the New York sales staff of Columbia's foreign films distributing department, headed by BUDD ROGERS.

•

FATHER BALTASAR and FATHER BENIGNO of the Caroni Mission in Venezuela have arrived with the first documentary film of the Venezuelan wilds.

•

Y. FRANK FREEMAN, JR., will leave New York for Hollywood tomorrow to join his family. He has no advance assignment from Paramount.

•

WILLIAM F. RODGERS, M-G-M distribution head, and E. M. SAUNDERS, western division manager, may return Monday from the coast.

•

NATE GOLDSTEIN and HUNTER PERRY are in New York for conferences with BARNEY BALABAN, Paramount president.

•

J. CHEEVER COWDIN, Universal board chairman, is expected back from the coast tomorrow by plane.

•

ROBERT RITCHIE, a director of M-G-M's British studios, is due today on the *Queen Mary*.

•

ALEXANDER KORDA returns to New York today from Canada and will leave for the coast tomorrow.

FLY THE

FASTEST ROUTE COAST-TO-COAST

● TWA has 3 fast coast-to-coast flights daily each way. "Sky Chief" leaves Los Angeles 4:45 p.m., puts you in New York next morning! Skysleepers —with separate lounge and sleeping compartments.

Transcontinental & Western Air, Inc.

TWA

In New York: Phone MU 6-1640
70 East 42nd Street
In Los Angeles: Phone MI 8881
540 West 6th Street
OR YOUR TRAVEL AGENT

THE ROUTE OVER THE Sunny Santa Fe Trail

Hollywood Preview

"Dawn Patrol"

(Warners)

HOLLYWOOD, Dec. 14.—Stark, two-fisted drama, leavened with touches of comedy, is the essence of Warners' "Dawn Patrol." An intensely moving, gripping story, it tells of the adventures of a group of British fliers during the World War. As in the original, produced in 1930, the cast contains no women and the narrative deals with the emotions of men, strong and weak, under the mental and physical stresses of warfare. The exploitation campaigns can be taken from the newspaper headlines.

Artistically and technically, the picture is all that could be desired. The cast is headed by Errol Flynn, Basil Rathbone, David Niven, Donald Crisp, Melville Cooper and Barry Fitzgerald. They are supported by Carl Esmond, Peter Willes, Morton Lowry, Michael Brooke, James Burke, Stuart Hall, Herbert Evans and Sidney Bracy. Individually and collectively, they surrender themselves as individuals and emerge as the film characters they are portraying.

Seton I. Miller and Don Totheroh, who wrote the 1930 screenplay with Howard Hawks, wrote the script for this, and alleviated some of the grimness of the John Monk Saunders story for this version by interpolating, in orderly fashion and clear sequence, scenes of punchy comedy.

The film is crowded with thrills, from exciting aerial combat maneuvers and dogfights to the sombre takeoffs of inexperienced replacements who do not return.

Rathbone, as commander of a squadron near the front lines, is promoted to general headquarters as a reward for the daring exploits of Flynn and Niven, who have made an unauthorized sortie and demolished an enemy airdrome. Rathbone, who has been driven half-crazy because of Flynn's taunts that he is a murderer for sending inexperienced fliers to their deaths, appoints Flynn to head the company. Flynn, obeying orders, sends Niven's young brother to his death, and the pair, previously the best of friends, are estranged. Then Flynn tricks Niven out of a dangerous mission, and flies to his death. The picture ends as Niven, now squadron commander, issues orders to a new group of inexperienced fliers.

Credit for the production goes to Associate Producer Robert Lord and Executive Producer Hal B. Wallis.

Running time, 105 minutes. "G."* VANCE KING

"G" denotes general classification.

Labor News and Events

SEATTLE UNIONS ELECT

SEATTLE, Dec. 14.—New officers of the I.A.T.S.E. Seattle locals for 1939 are as follows:

Local 154, projectionists: Harry Lampman, president; Andrew Evans, vice-president; Jay Brown, recording secretary; Robert Cameron, financial secretary; James McNabb, business agent; Frank Myers, treasurer; P. A. Snider and Donald Dvorak, members-at-large; Warren Smith, Frank Cook and Harry Clark, trustees.

Local 15, the stage employees: Charles Crickmore, president; E. A. Clark, financial secretary; E. C. Booth, recording secretary; Colin Durie, treasurer; Basil Grey, business agent; Al McKay, sergeant-at-arms; Earl O. Gunther, Central Labor Council delegate, all reelected.

OUSTER FIGHT IN COURT

OKLAHOMA CITY, Dec. 14.—A dispute over dismissal of two employes sent the local I.A.T.S.E. union into district court with an application for an injunction against Standard Theatres Corp.

The union cited a contract negotiated Oct. 11 by Joe Campbell, agent for the union, and Byron F. Moore, general manager of Standard, which provided the number of union employes to be hired. The contract, the suit alleged, provided for hiring of two additional maintenance men whom Moore said he planned to dismiss. A temporary restraining order was issued and hearing was set for Dec. 30.

STAGEHANDS TALK RENEWALS

Stagehands Local 1, I.A.T.S.E., met last night to consider terms for renewal of the contract with circuits operating in Manhattan, Bronx and Staten Island. The meeting started at midnight. Under consideration were proposed wage increases and whether the contract should run until September, 1939 or September, 1940.

RESTORE CLEVELAND CUT

CLEVELAND, Dec. 14.—Cleveland operators union, Local 160, have had restored the 10 per cent pay cut, effected in the early fall for a 10-week period.

ROGERS CAROLINA HEAD

WINSTON-SALEM, N. C., Dec. 14.—Harry Rogers has been reelected president of I.A.T.S.E. Local 635. Other officers elected were Paul Peddycord, vice-president; H. R. Faust, corresponding and recording secretary; John Robertson, financial secretary; O. L. Ziglar, treasurer and business representative; Lee Craver, sergeant-at-arms; Johnny Keenan and P. D. Peddycord, trustees.

Equity Council to Study Cooperative, Experimental Issue

In an effort to stimulate interest in the experimental and cooperative legitimate theatre, the council of Actors' Equity has appointed a committee to study the matter. General complaint from actors and directors is that rehearsal costs and minimum wage scales required from commercial producers, prevent groups of actors from getting together in experimental groups of their own.

Heretofore, the council has imposed the same terms on cooperative and commercial enterprises on the theory that if the rules were relaxed, commercial producers would use it for tryout purposes and evade the regular rehearsal payments. The committee composed entirely of Equity members, has three members who are successful directors. Margaret Webster, Worthington Miner and Antoinette Perry are the directors who will serve with Hugh Rennie and Winifred Lenihan, chairman.

Regular quarterly membership meeting of Equity will be held tomorrow at 2 P. M. at the Astor. Subjects due to come up for discussion are the threatened WPA layoffs and new regulations covering penalties for members who pay excessive commissions to agents.

Grainger Leaves to Spend Xmas in West

James R. Grainger, Republic president, left last night for the coast to spend the holidays with his son, Edmund, in Beverly Hills. He is making stopovers in Chicago, Des Moines, Denver and San Francisco. Mrs. Grainger accompanied him to Chicago and is proceeding to the coast.

He expects to return about Jan. 15, stopping in southern cities for conferences with franchise holders en route.

Arthur C. Bromberg, head of Republic Pictures of the Southeast, has closed a new five-year agreement with Republic, for distribution of its product through his five exchanges. The deal was worked out at the home office with H. J. Yates and Grainger.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: Circle 7-3100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS:—*Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the

'Manton' Dual Pulls $16,000 In L.A. Slump

Los Angeles, Dec. 14.—Pre-Christmas shopping and other activity cut into grosses here. Best comparative gross went to the dual of "The Mad Miss Manton" and "A Man to Remember," with $7,800 at the Hillstreet and $8,200 at the Pantages.

"The Citadel" took a good $4,842 at the 4 Star, while "The Shining Hour" and "Spring Madness" drew a fair $14,213 at Loew's State and $11,832 at the Chinese.

Estimated takings for the week ending Dec. 14:

"The Shining Hour" (M-G-M)
"Spring Madness" (M-G-M)
CHINESE—(2,500) (30c-75c) 7 days. Gross: $11,832. (Average, $12,500)
"Citadel" (M-G-M)
4 STAR—(900), 40c-55c, 7 days. 4th week. Gross: $4,842. (Average, $3,250)
"The Mad Miss Manton" (RKO)
"A Man to Remember" (RKO)
HILLSTREET—(2,700) (30c-65c) 6 days. Gross: $7,800. (Average, $6,500)
"The Shining Hour" (M-G-M)
"Spring Madness" (M-G-M)
LOEW'S STATE—(2,500) (30c-75c) 7 days. Gross: $14,213. (Average, $14,000)
"The Mad Miss Manton" (RKO)
"A Man to Remember" (RKO)
PANTAGES—(3,000) (30c-65c) 6 days. Gross: $8,200. (Average, $7,000)
"Thanks for the Memory" (Para.)
PARAMOUNT—(3,595) (30c-65c) 7 days. Stage: F. & M. revue, Rube Wolf and his orchestra. Gross: $11,500. (Average, $18,000)
"Heart of the North" (W.B.)
"Comet Over Broadway" (F.N.)
WARNER BROS. (Hollywood)—(3,000) (30c-65c) 5 days. Gross: $8,533. (Average, $14,000)
"Heart of the North" (W.B.)
"Comet Over Broadway" (F.N.)
WARNER BROS. (Downtown)—(3,400) (30c-65c) 5 days. Gross: $9,051. Average, $12,000)

'Angels' Licks Cold In Denver, $13,000,

Denver, Dec. 14.—A severe cold snap and snow could not stop "Angels with Dirty Faces," which took a smash $13,000 at the Denver and went to the Aladdin for another week. "The Shining Hour," dualled with "Annabel Takes a Tour" at the Orpheum, was good for $9,000.

Estimated takings for the week ending Dec. 14:

"The Cowboy and the Lady" (UA)
ALADDIN—(1,400) (25c-40c) 7 days, after a week at the Denver. Gross: $4,000. (Average, $3,500)
"The Great Waltz" (MGM)
"Spring Madness" (MGM)
BROADWAY—(1,100) (25c-40c) 7 days, after a week at the Orpheum. Gross: $3,000. (Average, $2,500)
"Ride a Crooked Mile" (Para.)
DENHAM—(1,750) (25c-35c-40c) 7 days, and stage show. Gross: $4,900. (Average, $5,500)
"Angels With Dirty Faces" (WB)
DENVER—(2,525) (25c-35c-50c) 7 days. Gross: $13,000. (Average, $8,500)
"The Shining Hour" (MGM)
"Annabel Takes a Tour" (RKO)
ORPHEUM—(2,600) (25c-35c-40c) 7 days. Gross: $9,000. (Average, $7,500)
"There Goes My Heart" (UA)
"Always in Trouble" (20th-Fox)
PARAMOUNT—(2,200) (25c-40c) 7 days. Gross: $4,000. (Average, $3,500)
"Bride of Frankenstein" (Univ.)
"Dracula's Daughter" (Univ.)
RIALTO—(878) (25c-40c) 7 days. Gross: $2,000. (Average, $1,750)

Santa Is No Match For "Patrol" with $8,500, Pittsburgh

Pittsburgh, Dec. 14.—Although department store Santa Clauses and toylands attracted much attention, "Submarine Patrol" drew a strong $8,500 at the Alvin. "Angels with Dirty Faces" captured $6,300 at the Warner, and "Brother Rat" took a par $16,500 at the Penn.

Estimated takings for the week ending Dec. 9:

"Submarine Patrol" (20th-Fox)
ALVIN—(1,850) (25c-50c) 7 days. Gross: $8,500. (Average, $6,500)
"Down on the Farm" (20th-Fox)
"Secrets of a Nurse" (Univ.)
FULTON—(1,750) (25c-40c) 7 days. Gross: $3,100. (Average, $4,600)
"Brother Rat" (W.B.)
PENN—(3,400) (25c-50c) 7 days. Gross: $16,500. (Average, $16,500)
"The Lady Objects" (Col.)
"The Storm" (Univ.)
SENATOR—(2,000) (25c-40c) 7 days. Gross: $3,460.
"Young Dr. Kildare" (M-G-M)
STANLEY—(3,750) (25c-60c) 7 days. (Stage 6 days) Stage: Duke Ellington and orchestra, featuring Ivy Anderson. Gross: $16,700. (Average, $21,000)
"Angels With Dirty Faces" (W.B.)
WARNER—(2,000) (25c-40c) 7 days. Gross: $6,300. (Average, $5,500)

Delay Granted on WLW's Power Plea

Washington, Dec. 14.—F. C. C. today granted the petition of the Crosley Radio Corp. for postponement of oral argument on the WLW application for extension of its super-power permit.

The hearing, originally scheduled for tomorrow, now is set for Dec. 22 and, in order that all members of the Commission may attend, the monopoly investigation will recess for the Christmas holiday on Dec. 21 instead of Dec. 23, as originally planned. The monopoly hearing will resume Jan. 4.

CEA to Renew Study Of Doubles Problem

London, Dec. 14.—General Council of the Cinematograph Exhibitors' Association has formed a new negotiating committee empowered to re-explore the problem of two "A" features on one program.

Birmingham and Bristol branches of the C.E.A. challenged the former committee's decision that there is no solution to the problem. The new committee was instructed to approach collectively those houses running double bills of "A" films.

Mark, President of WOL, Passes at 61

Washington, Dec. 14.—LeRoy Mark, president of the American Broadcasting Co., which operates WOL here, died yesterday at the age of 61.

He was a native of Washington, son of George A. Mark, Librarian of Congress from 1867 to 1887. He is survived by his widow and four children.

Radio Company Formed

Albany, Dec. 14.—Vacutron, Inc., has been licensed to conduct a radio, broadcasting and wireless business in New York state. Leo Rosen, and Mary E. Rosen and Emanuel Alexandre, New York, are directors.

'Pygmalion' Draws $16,000 for Week

First week of "Pygmalion" shown at popular prices at the Astor, drew a capacity crowd each day and finished with an estimated $16,000. "Out West with the Hardys" brought an estimated $35,000 at the Capitol and holds over there. "Dramatic School" was weak with an estimated $64,000 at the Music Hall. "Duke of West Point" opens there today.

"Thanks for the Memory" totaled an estimated $34,800 at the Paramount and is in its second week. At the Strand, "Angels With Dirty Faces" goes into its fourth week Friday. "Last Warning" attracted an estimated $5,000 at the Rialto. On Dec. 21, "Heart of the North" starts there. "40 Little Mothers" (National Pictures) opens at the 55th St. Playhouse Dec. 23. It is a French production formerly known as "Le Moiche."

Workers Film Group Is Active in London

London, Dec. 14.—Workers' Film Association, under the banner of which are labor party, trade union, and co-operative groups, has begun active work. A special conference and display was organized by the National Council of Labor to enable organizations in the movement to become acquainted with its aims and activities.

The association will advise associated bodies on production, and will engage in the hiring out of films, projectors, cameras and road shows of labor pictures.

RKO Is Expected To Finish Current Year in the Black

(*Continued from page 1*)

interest on $11,600,000 of debentures outstanding. Under the RKO reorganization plan these interest charges will be eliminated, with the debentures being replaced by $11,600,000 of six per cent first preferred. Thus, 1938 operations would be equivalent to a net of around $775,000 before first preferred dividends, when considered on the capital basis of a reorganized RKO. Figure means that even 1938's modest net is more than sufficient to meet the dividend on the new first preferred of a reorganized RKO.

RKO theatre companies are maintaining a good profit-pace and the picture company has been breaking about even or possibly showing a small profit for the past several months. Cash position of the parent company continues healthy. Dividends of some theatre subsidiaries have been and will be passed during this quarter, with the cash permitted to remain in the treasuries of the subsidiaries for no other reason than that the parent company is in no need of additional funds.

RKO's only high negative cost production currently is "Gunga Din." An amortization reserve could be set up out of earnings for the final quarter, if deemed advisable, in which case current estimates of 1938 earnings would be reduced in proportion to whatever reserve was created. However, at this time no other special charges which would materially affect the 1938 report are in view.

FEELING THE PUBLIC PULSE!
● PRINTS NOW AVAILABLE for the biggest front page picture of today!
SMASHING THE SPY RING
A Columbia Picture

Some Exhibitor Groups Don't Like Industry Program

(*Continued from page* 1)

the tentative terms were what he considered "unacceptable." Northwest Allied at a recent meeting in Minneapolis disregarded the admonitions of its leader, W. A. Steffes, and voted to recommend to its board not to approve the tentative terms.

Yesterday, two more independent exhibitor groups opposed the draft. Theatre Owners and Managers of the Rocky Mountain Region and the I.T.O. of Southern California and Arizona. Neither is affiliated with Allied or the M.P.T.O.A.

The Rocky Mountain group, meeting in Denver, voted unanimously to reject the proposals and instructed its directors to prepare a program embodying the organization's original demands. The principal demand is a straight 20 per cent cancellation. The organization also wants elimination of score charges, no forcing of shorts and an end to move-over runs.

Los Angeles Not Satisfied

In Los Angeles, Albert Galston, president of the I.T.O., expressed keen disappointment with the draft, declaring it does not in most instances "comprise the intent or the substance of the points presented by the Association's delegates at the New York conferences."

The unit's directors went on record as asking that the distributors' committe reconsider its proposals in order to meet exhibitors' objections. Galston has written W. F. Rodgers, M-G-M sales chief and distributor committee member, to that effect.

"We cannot believe that the distributor committee was unanimous in the final adoption of its draft," Galston said. "We will continue our negotiations and we believe subsequent sessions with distributors will bring about more complete adoption of the balance of our points."

Buffalo Group Approves

The Buffalo M.P.T.O., however, has approved the draft with few exceptions. This unit is affiliated with the M.P.T.O.A., the president of which, Ed Kuykendall, has also expressed objections to some of the important provisions.

A meeting of more than 100 members of the Buffalo unit, early this week, recommended that the clause relating to box-office reports be deleted. It was urged that the proposals become effective immediately on all contracts.

M-G-M Auditors to Hold Meeting Dec. 27

M-G-M will hold its annual auditors' meeting at the Astor on Dec. 27 to 29, with Alan F. Cummings, in charge of exchange operations, and C. K. Stern, assistant treasurer, conducting the sessions.

Nine traveling auditors and home office representatives will attend. New methods of branch operation and plans for the coming year will be discussed. William F. Rodgers, Tom Connors, E. M. Saunders and other home office executives will talk to the men.

Goldwyn Advocates Theatre Separation

(*Continued from page* 1)

the Government suits against certain members of the film industry. I do this only because of certain statements which have given the impression that my connection with the film industry has a direct connection with the suits."

Roosevelt will spend six weeks in the east studying distribution in the Goldwyn office and return to Hollywood in February.

He has not spoken with any theatre men here nor has he any such intention.

Scotch Showmen Hit School Group Rating

LONDON, Dec. 14.—Exhibitor circles in Scotland are disturbed at a recent report of the Edinburgh Education Committee, which classifies the film theatre as an employment source unsuitable for boys under 15 asking for exemption from the school age limit.

The inclusion of the theatre in that category is thought to blacklist it as an undesirable occupation, and Edinburgh exhibitors have decided to send a letter of protest to the committee correcting allegations and pointing out the great opportunities for promotion and advancement for young people in the industry.

Quizzo Charges Are Dismissed in Phila.

PHILADELPHIA, Dec. 14.—Gambling charges against Nathan Abelove and Alfred Shrier, of the Ritz, in the Quizzo test case, were dismissed today by Judge Bonniwell.

In dismissing the case Judge Bonniwell said that half the people have to play Bingo or numbers while a few can play the stock market and be called philanthropic.

Cinecolor Votes Dividend

HOLLYWOOD, Dec. 14.—Dividends totaling $12,210, covering a five-month period, will be paid to holders of common stock of Cinecolor, Inc., as of Dec. 23, it was announced today. A similar amount was paid last June.

Canada's License Fee Less Than US Charge

TORONTO, Dec. 14.—Col. O. M. Biggar, solicitor for the Canadian Performing Rights Society, has answered the strong protests of the Canadian Association of Broadcasters to the proposed increase in the society's license fees for 1939 to $154,588 from the present total of $83,081, by declaring that the new charge is only 75 per cent of the levy collected in the United States.

The new Canadian rate averages 14 cents per licensed receiving set in use in the Dominion as compared with the previous fee of 8 cents charged by the Canadian society and, according to Col. Biggar, the levy in Canada is considerably less than that charged in other English-speaking countries. In Australia, he said, the charge is 33 cents, while that in New Zealand is 18 cents.

These figures have been challenged by Brooke Claxton of the Canadian Broadcasting Corp., who declared that the royalties collected in other countries had no bearing on the Canadian situation. Claxton declared that the Australian rate was 20 cents and not 33 cents while the fee in New Zealand was 15 cents and not 18 cents. The Canadian license fee for music used on the air should be fixed on Canadian conditions. Canada had fewer radio sets per square mile than other countries, less revenue per square mile and less broadcasting power. Moreover, Canadians listened much more to foreign stations, notably the United States, than did listeners in other countries. All these factors should be taken into consideration by the Copyright Appeal Board before approval is given to the 1939 schedule of fees, Claxton declared, and the society should prove conclusively that any increase was warranted.

Will Appeal Fines For Sunday Opening

CAMBRIDGE, O., Dec. 14.—Dan Gilhula, operating the Cort, and three of his employes, recently arrested for violation of the Sunday closing ordinance, have signified intention to appeal their cases, following imposition of fines of $50 each in Municipal Court.

Repeal of the Sunday law was voted down at the November election, and Gilhula proposes to make a test case.

Only 28% of Canada Seats Are Occupied at All Shows

TORONTO, Dec. 14.—Government report on operation of theatres in the Dominion reveals that only 28 per cent of the total seating capacity of 1,047 theatres in the country is occupied at every performance during the year, the average for the previous year being 29 per cent, when there were 88 fewer theatres in operation. The total seating capacity of all theatres is given as 601,611, and, therefore, 168,000 seats are occupied on the average.

Further statistics show the average percentage of seats occupied in cities of 100,000 population and over was 30 while in the smaller centers the average was 26 per cent. The ratio is relatively higher in theatres having accommodation for less than 800 persons with an average of approximately 31 per cent for all performances. The average for theatres having more than 800 seats is 27 per cent for the year.

The total number of employes for the 1,047 Canadian theatres was 6,950, of whom 5,294 were men.

In its subsequent report, the Government showed that the average per capita expenditure for film entertainment during 1937, based on a population of 11,120,000, was $2.93, as compared with $2.70 in 1936 and $2.33 in 1933. Figures for the respective provinces for 1937 were given as follows: British Columbia, $4.82; Ontario, $3.90; Quebec, $2.15; Nova Scotia, $2.41; New Brunswick, $1.86; Prince Edward Island, $1.23; Manitoba, $3.07; Saskatchewan, $1.48; Alberta, $2.44.

Neagle Will Make Film for RKO in Deal With Wilcox

Anna Neagle, star of Herbert Wilcox films, will make a picture for RKO in Hollywood next year, playing the part of an English girl [illegible] an American setting. This is part [illegible] the cooperative arrangement effected with RKO whereby Wilcox is to produce two to four pictures a year for RKO in England.

RKO will participate in the financing of the films to be made by the company, Imperator-Radio Pictures, Ltd. The company also will make available players and other studio talent, according to the plan. Wilcox and Miss Neagle sail tomorrow on the *Queen Mary* and return around Jan. 1.

"Sixty Glorious Years," Wilcox film which stars Miss Neagle, will not be generally released here until after the visit of King George and Queen Elizabeth next summer. The producer and RKO officials take the view that this is psychological timing and will enhance American interest in the film. It already has played the Radio City Music Hall. The title will be changed to "The House of Windsor" for the American market.

Wilcox has eight or nine stories suitable for the British production program. He will supervise the preparation of the scripts and will work closely with the RKO studio story department. He expects to start shooting at Denham in March.

Details of the tieup were outlined by Wilcox at a luncheon at the Ritz-Carlton yesterday attended by the trade press and British correspondents. Also present were Ned E. Depinet, RKO distribution chief; Phil Reisman, foreign head; William Hamilton, member of the RKO board; W. G. Van Schmus, managing director of the Music Hall; A. H. McCausland, RKO trustee's representative; S. Barret McCormick, director of advertising and publicity; G. H. Middleton, British vice-consul, and others.

Plan National Study Of Giveaway Effect

(*Continued from page* 1)

David Weinstock, Abe Shenk and Samuel Seelen.

Whether the committee's action will satisfy the city authorities, or whether the latter will brook such a long delay as may be contemplated under a survey proposal, is not known.

When License Commissioner Paul Moss addressed the exhibitors, about a week ago, warning them to eliminate chance games in theatres and to "eradicate the cancer" from the playhouses, the indications were that speedy action would follow by the exhibitors, to meet the Commissioner's threat.

File Chicago Trust Answers on Friday

CHICAGO, Dec. 14.—Answers of the eight principal defendants in the independent exhibitors' anti-trust action against B. & K. and leading distributors, which were expected to be filed today, will not be ready until Friday. Indications are that eight separate answers will be filed.

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 44. NO. 118 NEW YORK, FRIDAY, DECEMBER 16, 1938 TEN CENTS

Bernstein Is FinanceGenius Says Schenck

Lauds Loew Executive in Testimony at Trial

"David Bernstein, vice-president and treasurer of Loew's, is one of the world's greatest financial minds," Nicholas M. Schenck, yesterday, informed the N. Y. Supreme Court, where Justice Louis A. Valente is trying a minority stockholders' suit against Loew's.

Schenck was testifying for the defense. He was the first witness called by that side, after the court had turned down a motion to dismiss the suit, a usual procedure in such cases.

After expressing this tribute to his friend and associate, Schenck turned to where Bernstein was sitting, nearby, among the spectators, and added: "I am glad he is in court to hear me say so."

Credits Executives

In his testimony, Schenck traced his own association with the industry since 1906, with the late Marcus Loew. It was Loew, who personally began negotiations with the late Irving Thalberg, Louis B. Mayer and J. Robert Rubin which led to their joining the Loew organization.

To these men, Schenck gave credit for the tremendous production development of Metro and Loew's.

He testified about the time that he might have left the company, during the lifetime of Marcus Loew, and how it was Loew, himself, who offered him at that time 2½ per cent of the company's profits.

Bernard Reis, a witness for the plaintiffs, testified that options have been exercised by officials of Loew's on 134,848 shares of the company's stock, out of 250,000 shares which were under such options.

Another Suit Started

Another minority stockholders' suit was started against Loew's, Inc., yesterday. Plaintiffs are Norman Wolf, owner of 100 shares and Manes Fuld, 65 shares. The suit was filed in Federal Court and names as defendants Loew's, Nicholas M. Schenck, David Bernstein, Arthur M. Loew, William Fox, Erpi, Western Electric, Chase National Bank, Chase Securities Co., Halsey, Stuart Co., Inc., estate of Irving Thalberg, Louis B. Mayer, J. Robert Rubin, Edward Mannix and 27 members of the board of directors.

Radio—Page 8

Expect RKO Plan to Be Confirmed Today

Formal confirmation of the RKO reorganization plan by Federal Judge William Bondy at today's hearing is hoped for in creditor circles, but still is not certain.

Indications are that several changes in the plan may be suggested by the court today and an approval of the reorganization, conditioned upon the making of such changes, may then be given. Final confirmation of the plan might still be had before the end of the year if any changes which may be forthcoming are not too drastic.

Zukor Will Be Good Will Boss For Paramount

Adolph Zukor becomes a consultant on Paramount's world-wide operations, rather than supervisor of its British and Continental European activities, under a new assignment evolved at home office conferences concluded yesterday. David Rose, who has been Paramount's British production representative in London for the past four months, was named managing director for the company in Great Britain and Ireland, filling the post vacated by John Cecil Graham's resignation about three months ago.

In his new assignment Zukor will conduct a survey of Paramount's world-wide operations and will contact the company's representatives and exhibitor customers in all leading foreign markets. One of his aims will be to make the company's operations understandable to those who man its distant units throughout the world.

His first survey, as originally planned, will be of Paramount's British operations. He sails with Rose today on the *Queen Mary* for England, where he will be joined about Jan. 20 by John W. Hicks, vice-president and foreign manager. The two will then consult on coordination of

(*Continued on page* 6)

'What The Industry Faces in 1939' an article by Martin Quigley—p. 3

STUDIOS ADOPT 44-HR. WEEK PLAN

Effective Next Week; Professional, Executive Groups Exempt

HOLLYWOOD, Dec. 15.—Progressive establishment of a general 44-hour week in the studios will be started next week, according to an announcement made after a meeting of studio managers and attorneys today.

All studio workers will be affected except those specifically exempted under the Federal wages and hours act or not employed under labor contracts which prescribe other periods.

Procedure to be followed under the 44-hour week was mapped today at a meeting of studio representatives with Pat Casey, producer labor contact man. The new working time will not be put in effect simultaneously in all the studios because of divergent working conditions.

Appointment of a committee to draft a statement of the position of the industry in the present situation was announced after the studio meeting.

Among those considered exempt from provisions of the Federal act are executives, administrators, professional employes, artists and various workers now employed under labor contracts.

Moss to Hold Off Action on Chance Games

Until the exhibitors have embarked upon a feasible plan for the elimination of chance games in the metropolitan area, the Commissioner of Licenses, Paul Moss, will withhold judgment. The Commissioner's office is inclined to wait until the exhibitors have a definite plan of action for abandoning the chance games.

However, it has been officially indicated that the Commissioner will act at once in cases where theatre owners shall have been convicted of lottery charges, presumably to cancel theatre licenses held by such owners.

The Commissioner will not be hasty about the present situation, although he is known to be opposed to chance games in theatres, as was shown by his address before the exhibitors meeting at the Astor Hotel a week ago. It is understood that the chance game owners who distribute to New York theatres have become apprehensive over the possibility that the New York exhibitors may eliminate these stimulants.

From the Commissioner's office it was learned that one of these distributors conferred with city officials and that the particular distributor involved expressed himself as willing to give up the business but was apprehensive lest the copyright company with which he had a contract might sue him.

Whether the copyright stand can hold up if the games are declared illegal is one of the questions yet to be answered.

RKO Plans to Make "Saint" in England

HOLLYWOOD, Dec. 15.—RKO plans to make "The Saint in London" at an English studio, with William Sistrom as associate producer on the film. George Sanders will be starred.

Stanley Net Profit $2,063,703 in Year

Net operating profit of $2,063,703 is reported by Stanley Co. of America, theatre subsidiary of Warners, for the 52 weeks ended Aug. 27. This compares with $2,230,902 for the year ended Aug. 28, 1937.

Net income was $6,244,749, in addition to $19,563 interest earned and $17,455 dividends received. During the year the company paid $723,877 in dividends, compared with $2,714,539 the year before.

Amortization and depreciation of properties was written off at $2,283,-237 for the year. Normal income taxes totaled $371,750 and surtaxes $108,300. Earned surplus as of Aug. 27 is figured at $5,007,582.

Rodgers, Saunders Leave Coast Today

HOLLYWOOD, Dec. 15.—W. F. Rodgers, Loew's general sales manager, and E. W. Saunders, western sales manager, leave tomorrow night for New York.

Columbia May Do Four Triple-Quota Films in England

Columbia for next season may boost its British production program to four films of triple-quota credit plus one or two single-quota pictures, depending on requirements, it was disclosed by Joseph A. McConville, foreign manager, on arriving yesterday on the *Queen Mary*.

Irving Asher, associate producer at Denham studios, who supervises Columbia's English films, is expected early in January to confer on next season's plans. For this season Asher is making three pictures for Columbia. He may bring a print of the first, "Q Planes." The second will be "Spy in Black."

Columbia has arranged for the production of three French films, one of which will be "Six Men in Hell," to be produced by Julien Duvivier. McConville said that eight offices are being opened, in France, Algiers and Brussels. Jack Segal, his assistant, will remain abroad until March and will visit Continental branches as well as make a flying trip to India to confer with Columbia's Far East representative.

Joseph Friedman, Columbia's British manager, arrived with McConville.

English Censor Is Defended by Hoare

LONDON, Dec. 15.—Sir Samuel Hoare defended the British Board of Film Censors in reply to questions on political censorship in the House of Commons today and demands for a committee investigation.

He defended the censor operation on the grounds that local authorities have the power to rescind the decisions of the censor, that there is no truth to the suggestion that the censor board is influenced by political considerations, and that the trade and the public have registered no complaint regarding the operation of the censor board.

Doran and Durant Form New Company

HOLLYWOOD, Dec. 15.—D. A. Doran, former Columbia story editor, and Tim Durant have formed a producing company. They have the rights to "Variety," a German silent film.

Shift Loew Managers

Changes in theatre staffs in the metropolitan area for Loew's include: George Ahrens, 83rd St., promoted to assistant manager at the Dyckman; Frank L. Cronon, assistant at the Warwick, shifted to the Astor as an assistant; Herbert Schoenhof, from the Lexington staff to assistant manager at the Warwick; Daniel Harris, assistant at the Metropolitan, to the Prospect; John Cusack, assistant at the Prospect, to the Metropolitan.

RKO Signs Wendy Barrie

HOLLYWOOD, Dec. 15.—RKO has signed Wendy Barrie to star in three films annually for five years.

◂ Purely Personal ▸

HELEN HUGHES, former secretary of Universal, will be married Dec. 22 to EUGENE L. BREEN of the Aetna Life Insurance Co. in the Lady Chapel of St. Patrick's Cathedral. Immediately after the ceremony they will sail on the *Champlain* for a two-week trip to Kingston and Nassau.

•

A. G. DOYLE, 20th Century-Fox manager in Japan, who had planned to spend the holidays here, has cancelled the trip.

•

R. A. ROWLAND is in New York from Hollywood representing EDWARD SMALL in the opening of "The Duke of West Point."

•

SAM BERKOWITZ, vice-president and executive manager of Fine Arts Pictures, leaves for the coast today by train.

•

MORRIS GOODMAN, Republic foreign manager, returned yesterday by plane from Havana.

•

DAVE PALFREYMAN of the M. P. P. D. A. returns to New York from Memphis today.

•

GEORGE J. SCHAEFER, RKO chief executive, is due in from the coast on Monday.

TYRONE POWER is due in New York Dec. 22 on the *Southern Prince* from a South American trip and will spend the holidays here before returning to the coast.

•

SOL REVITZ, owner of the Luxor and Waverly, is the father of a 6½-pound girl.

•

RAY and MRS. MILLAND, MRS. OTTO KRUGER and JOHN RINGLING NORTH are booked to sail today on the *Queen Mary*.

•

FRED QUIMBY, head of M-G-M shorts, has arrived on the coast after home office conferences.

•

MORRIS GOODMAN, Republic foreign chief, has returned from Havana by plane.

•

JOSEPH M. SCHENCK is due in New York in January.

•

JAMES ROOSEVELT arrives in New York from Chicago tomorrow.

•

GARY COOPER left for the coast to start work in "The Last Frontier."

Montague to Hawaii On Consolidated Deal

Abe Montague, Columbia general sales manager, will sail from San Francisco today for Honolulu on a combined business and vacation trip.

Montague, while in Hawaii, will negotiate with Consolidated Amusement Co., Ltd., on a three-year franchise deal for Columbia product. Preliminary negotiations were held earlier. The deal would cover 20 Consolidated houses and 46 additional theatres which the Hawaiian company services.

Stagehands Reject Pact

Stagehands Local 1, I.A.T.S.E., refused to accept a proposed contract renewal with theatre circuits operating in Manhattan, Bronx and Staten Island, at a membership meeting. It is understood, however, that recommendations for changes were minor and that another meeting will be held Sunday for further consideration.

Accord on Copyright Changes Due Jan. 20

Sub-committees representing the various industries which are formulating recommendations to Congress for changes in the Federal copyright laws reported further progress at the close of another joint meeting yesterday. The sub-committees, however, are not yet in agreement on all of the recommendations to be made.

Another meeting of the group will be held Jan. 20 at which time final agreements are expected.

Hear Four More in Smuggling Inquiry

Sally Eilers, Jack Pearl, Sophie Tucker and Collette D'Arville appeared yesterday before the Federal Grand Jury in connection with the investigation of smuggling now being conducted by that body. It is understood that all denied knowledge of the alleged activities.

The Newsreel Parade

Anthony Eden again takes the newsreel spotlight, this time as he visits the White House. Signing of the French-German peace pact is also covered. The reels and their contents follow:

MOVIETONE NEWS, No. 28—Eden calls at White House. Boys exhibit model planes. Silver foxes on farm. Lew Lehr. Repair railroad tracks in Palestine. German-French peace pact. Child refugees arrive in England. Franco spreads propaganda in Madrid. Queen Elizabeth at student reception. Fashions for dolls. Water polo in Florida. Ping pong in Australia.

NEWS OF THE DAY, No. 226—German refugees in England. La Guardia speaks at rally. Santa Claus in parachute jump. English Queen at student reception. Wreck City Hall post office. "Great Waltz" festival. Table tennis champions. Wrestling.

PARAMOUNT NEWS, No. 39—Christmas shopping. French-German pact. Jewel fashion show. Mine disaster in Nova Scotia. Christmas in Holland. Capital greets Eden. Government seizes whaler. Indoor sports.

RKO PATHE NEWS, No. 43—Eden visits capital. French-German peace pact. Fire in Bayonne. Secretary Wallace speaks in Carnegie Hall. Graymoor Friars enjoy snow. Jubilee in Mexico. Surplus cotton in Arizona. Army boxing.

UNIVERSAL NEWSREEL, No. 728—Liner launched for Panama run. French-German peace pact. Refugees in Czechoslovakia. Eden in Washington, D. C. French salute colors. Young elks in mountains. Inventors' congress meets. Baby elephants. Opera singers stage benefit.

London Houses to Aid Refugee Fund

London, Dec. 15.—All London theatres on Jan. 7 will contribute 10 per cent of their gross receipts to the Stanley Baldwin fund for refugee relief.

8,000 Vote 3 Slates Of Musician Local

About 8,000 of the 18,000 members of Local 802, American Federation of Musicians, voted yesterday on candidates for officers of the union. Ballots were still being counted at a late hour last night.

Three complete tickets were in the field with nominees for president, vice-president, secretary and treasurer; nine executive board members; nine trial board members and delegates to the national and state federations and trades groups. Terms of all officers are for two years. At the last election 7,200 members of the local voted.

Sagall, of Scophony, Sailing Home Today

Solomon Sagall, managing director of Scophony, sails today on the *Queen Mary*, after several weeks in this country trying to interest financiers in establishing an American branch or subsidiary of his firm. Whatever progress there may have been made has not been revealed. While here Sagall also had the chance to discuss television with the Federal Communications Commission in Washington.

English Imports Gain

LONDON, Dec. 15.—Imports of exposed positive film for November totaled 2,317,597 feet, comparing with 1,613,257 feet in November, 1937. Exports in November, this year were 2,007,213 feet, and in November, 1937, were 2,213,170 feet.

B & D Profit $350

LONDON, Dec. 15.—British & Dominions Film Corp. has reported profit for the year ending Oct. 29 of $350, reducing the debit balance to $685,250. The company is inactive but has an investment in the Pinewood studio of $1,146,740.

MOTION PICTURE
DAILY

(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco. New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the

WHAT THE INDUSTRY FACES IN 1939

An Outline of Problems and Possibilities in Production, Distribution and Exhibition, Due for Action in the New Year

By **MARTIN QUIGLEY**

LITTLE DOUBT remains that the American motion picture industry will face a variety of thorough-going changes during the coming year. Out of the changes that are in prospect there is hope of a better business. This is fortunately so because the recent trend has been almost evenly in the wrong direction.

¶ Looming large on the horizon is the government suit, the outcome of which, despite the perverse or studied indifference of many in the industry, is almost certain to have a profound effect on the business and its future operations. There is naturally a devotion to the status quo on the part of its beneficiaries even though there must be few who are prepared to admit satisfaction over the present condition in industry affairs. It perhaps cannot be demonstrated in advance that extensive alteration in industry procedure will increase the general prosperity. But if the year 1938 may be taken as the fruition of existing policies, something in the way of experimentation for the future seems to be in order.

¶ Whatever the readjustments and revisions that are destined to arrive in the New Year, it is certain that the process of accommodation to the new order will in many cases be neither easy nor agreeable. There will be much need for goodwill and the long view. Without these the operation to some may be painful, if not actually disastrous.

¶ For reasons which no one seems prepared definitely to explain, there has been during the past year an inadequacy in the supply of product of acceptable standards. Hollywood's performance, generally, has not been of a character calculated to create confidence for the coming year. Despite the patent necessity for lower costs and despite all of the attendant pressure in that direction which has been exerted, Hollywood's energies for cost-saving have largely been spent on small-fry economies, leaving virtually unscathed those practices and those persons whose financial exactions result in production costs which the market has been unable profitably to support.

¶ The product situation and the accompanying question of costs admits of almost innumerable explanations, but one that inevitably bids for attention is the iron-ring status, that condition under which new people and new ideas are not necessarily excluded, but their admission depends not upon what they may show in a competitive test but, rather, upon their good fortune and right connections useful in penetrating the wall which has been created to keep the insiders in and the outsiders out.

The oligarchic rule which prevails is a staggering responsibility in relation to the production of motion pictures, especially in such times as these.

● ●

¶ If the condition of the business were prosperous, those in the saddle would claim the credit. And in this they could not be gainsaid. But when the condition is not prosperous, the right of inquiry and examination may well be asserted. It is not intelligently satisfying to listen indefinitely to explanations which only transfer the blame elsewhere. Especially is this not so when much of the available explanation is predicated on the theory that everyone is out of step but Hollywood.

¶ Added to the problems that have arisen out of the Hollywood scene is the undeniable fact that the processes of distribution, embracing as they must the essential function of promotion, have lagged both in policies and in energies. How much the results may be blamed on policies that no longer fit the exigencies of the business and how much on lack of aggressive procedure is a question difficult to judge. But it is not at all difficult to reach the conclusion that most decidedly it was not out of the slow-paced movement of the past year that the present greatness of the industry was created.

¶ There seems little reason for attributing in full the situation which has obtained during the past several months to the general business conditions affecting the country. General business conditions have not been flourishing, but the motion picture is not a luxury service which depends upon great general prosperity for profitable operation. This is not a business which is inevitably linked to economic cycles such as certain of the heavy industries and various specialties which are strictly subject to the prevailing trend. The motion picture provides amusement which in the modern world is a staple. It is the best and cheapest amusement available to the whole public. There never has been an indication of any waning devotion of the public toward the types of amusement which motion pictures represent.

¶ When the public stays away it is because of a particular poor attraction which is presented currently. Virtually without exception the industry which asks the public to patronize the particular, poor attraction knows very well, and long in advance, that it is a

(Continued on following page)

"Exhibitors . . largely left empty handed . ."

(Continued from preceding page)

poor attraction. Release date requirements, inability of the theatre to book a better attraction, a picture contracted for sight unseen—all these and others may all serve to explain how the poor picture got into the theatre. But they afford little satisfaction to the public which after paying the admission price has not been entertained.

¶ As to the many pictures of real value which would have served more effectively to enhance the reputation of the screen, increase theatre audiences rather than decrease them, some of these have been allowed passively to drop into the mill of distribution without receiving that kind of enthusiastic presentation and promotion which is essential toward the creation of an interested state of mind, the absence of which invariably has a lethal effect upon any entertainment product.

• •

¶ The industry-wide promotion campaign, inaugurated at the commencement of the current theatrical season, might have done much toward counteracting the doldrums of the preceding months. But unfortunately it did not. There are many opinions and explanations to account for this result. One fact that cannot be ignored is that there was too much attention to abstractions and too little emphasis on pictures. Some motion pictures, but not all of them, are the public's best entertainment—a fact which the public understands clearly and is not likely to forget. Motion pictures in the abstract are not successfully advertisable, no more than groups of pictures under brand names. This is a lesson which was learned many years ago at no little cost.

¶ Another fact that looms conspicuously in the record of this not too memorable experiment is the lamentable lack of a logical coordination of the processes of the industry, in the absence of which there was a breakdown in the promotion of the campaign by the distributor to the exhibitor. The established media of communication between the distributor and the exhibitor were either ignored or only slightly used, leaving a situation under which the exhibitor was left inadequately informed and inadequately enthused.

This campaign, or any such campaign, must be mainly dependent upon product.

Exhibitors needing product data to support the arguments of the campaign were largely left empty-handed.

Abstract assurances were found unconvincing by both the exhibitor and the public.

• •

The exhibitor looked for the presentation of product and product news that would give vitality and purpose to the campaign. In this he was disappointed, and the public as well.

¶ There is, naturally enough, much speculation on the economic results of the condition of bureaucratic operation which has come to characterize various activities of the business. Distributors, in some instances, by virtue of their power to dictate time and conditions of exhibition undertake, in effect, to run theatres, frequently against the experienced judgment of the actual operators. If these many intricate and involved arrangements proved to be materially advantageous to the distributor, there would be that much, at least, to be said in their favor. But it becomes frequently the case that, while an advantage to the distributor is sought, none actually is gained. And the exhibitor, curbed and handicapped in taking the line his judgment dictates, finds his chance of sustaining profitable operation diminished week by week. This and similar conditions are not matters which half-way measures are likely to correct. A new concept as to what constitutes healthy and constructive trade practices is needed.

> *". . . energies for cost saving largely spent on small fry economies . . . oligarchic rule is a staggering responsibility . . . the theory that everyone is out of step but Hollywood . . . pictures allowed passively to drop into the mill of distribution, without . . . the exhibitor, curbed and handicapped in taking the line his judgment dictates. . . . Radio is not an ally. It is a competitor of formidable proportions. . . . Good pictures must be enabled to earn larger revenues . . . poor pictures less . . ."*

¶ The disappearance of the old order of spirited merchandising of the motion picture to the public is well exemplified in certain of the large theatre circuits where the procedure has become as humdrum and routine as that of a railroad office. Here may be seen applied in its full bloom the adage—so beloved by banker and bookkeeper—that a dollar saved is a dollar earned. Advertising budgets have been pruned to the vanishing point, the process meanwhile pleasing highly its sponsors who are so rapturously immersed in expense curtailment tabulations that they fail to comprehend the import of the figures which trace the descending line in attendance.

• •

¶ The motion picture as a public attraction has lost many of its early, unique advantages. Radio is not an ally. It is a competitor of formidable proportions. What was once the magic of the motion picture has come to be commonplace. The picture of merit is still the unequalled medium for public entertainment. The public knows what it wants—but only after it sees it. The business of motion pictures must, to survive prosperously, see to it that every good picture is vigorously exploited. Any system designed to insure that the public will see the poor pictures as well as the good pictures is economically and strategically unsound. Good pictures must be enabled to earn larger revenues and poor pictures allowed less.

¶ On Broadway the show that fails to satisfy the public demand is quickly and decisively hauled to the storehouse. But the early wise men of the industry, foolish in their wisdom, sought and suc-

". . danger signals . . a day of reckoning . ."

ceeded in contriving a system that serves to perpetuate the picture that has failed in its entertainment purpose. This has proved to be a disastrous accomplishment which in these latter years has brought about increasingly adverse results.

¶ The industry's greatest asset is the reputation of the motion picture. It should be cherished and preserved. This most decidedly is not done when pictures which are known to be below acceptable standards are forced upon the screens of thousands of theatres, not by any demand that exists for them—on the part of either the public or the exhibitor—but rather by a system which automatically insures their distribution. If one wants to find out where and how the motion picture has lost caste he will do well to inquire along this line.

• •

¶ No matter how intelligently conceived and executed, all pictures undertaken cannot be expected to turn out to be sterling attractions. But under prevailing conditions the good pictures do not obtain the revenue to which they are entitled. The poor ones obtain too much, however little that may be. In addition, the failures serve to break the theatre-going habit, to cause the public to wonder what has happened to pictures as they pass on in search of entertainment elsewhere.

¶ It must be recognized that an automatic classification of theatres has come about out of the industry's experience in serving the public's taste. There are different types and kinds of audiences, each with an inclination toward a certain grade or class of film. Occasionally—but only occasionally—there is the picture of universal appeal. Normally the market calls for pictures that vary in many material respects, including the bracket of production cost. In certain localities a low-cost action picture may be a first-rate attraction. Another picture, gauged in budget and other arrangements as an "A" production but which has proven to be a "B minus" in attraction value, is not a successful substitute for it. Pictures succeed or fail in the market stratum for which they are intended. The picture which has the necessary elements of popular appeal, irrespective of its class or cost bracket, is entitled to circulation and support. The picture that fails in popular appeal for the market stratum for which it is intended is not.

• •

¶ The argument that unless the indifferent films are distributed and allowed to collect some revenue the better productions would be prohibitive in cost is unconvincing. A production company succeeds or fails on the basis of total revenues collected against the total costs of production. It is immaterial whether a stated volume of revenue is obtained out of twenty-five pictures or out of thirty pictures. If a program of thirty pictures costs $15,000,000, the producer's situation is better and not worse if he recoups his costs through the distribution of only twenty-five instead of the whole thirty pictures because he has saved the costs of distribution. The automatic rejection at the source of pictures which unquestionably are below acceptable standards would confer a great benefit on the public and on the exhibitor and at the same time would inevitably lead to an enhancement of the reputation of the motion picture. Admittedly, however, such a policy would not serve to monopolize screen time to the exclusion of other product.

¶ It is a reasonable ambition for a producer-distributor to seek to pre-empt as much screen time as possible, but it is not reasonable that he should seek to accomplish this with indifferent product which only tends to cut short the playing time of meritorious product in some cases and in others to preclude its being played at all.

"THE coming year, for reasons referred to and others, is likely to become a turning point in motion picture industry affairs. The present procedure if kept prosaically intact promises only a postponement of a serious day of reckoning. There are now, and have been for some time, danger signals all along the right of way. The great question which 1939 proposes is whether out of the vast store of accumulated knowledge and experience the industry in its several component parts will determinedly set itself to the task of recapturing that spirit of enterprise and progress out of which its greatness was born."

• •

¶ A solution of many of these problems and others would be served if pictures were subjected in advance of selling to some test of their attraction value, either through expert examination or public reaction. Such a policy would automatically achieve the result of eliminating from the channels of distribution pictures which fail to measure up to acceptable standards. It would effect a concentration upon pictures of demonstrable box-office value, leading doubtlessly to a return of that kind of promotional effort for which the industry was once famous. It would inaugurate in Hollywood a merit system which would soon dispel the prevailing fog, in the midst of which even responsible management must, perforce, grope, half-blindly.

¶ The coming year, for reasons referred to and others, is likely to become a turning point in motion picture industry affairs. The present procedure if kept prosaically intact promises only a postponement of a serious day of reckoning. There are now, and have been for some time, danger signals all along the right of way. The great question which 1939 proposes is whether out of the vast store of accumulated knowledge and experience the industry in its several component parts will determinedly set itself to the task of recapturing that spirit of enterprise and progress out of which its greatness was born.

¶ The motion picture and the industry will go on eventually to greater accomplishments and greater prosperity, but whether it will do so as presently constituted and operated is a question upon which much light doubtlessly will be shed during the coming year.

Kennedy in From England on Boat With Film Folk

Joseph P. Kennedy, U. S. Ambassador to Great Britain, who arrived yesterday on the *Queen Mary,* will leave today for Washington to report to President Roosevelt. Later he will go to Florida. He is accompanied by his son, John. They will return to England after the holidays.

Montague Marks, associate of Douglas Fairbanks in Fairbanks International, was another passenger from London. He may leave for the coast today or tomorrow. Fairbanks will arrive early in January to start operations.

The company plans three films for United Artists release. The first will be "The Californian." It is planned to start "The Tenth Woman" in September. "The Three Musketeers" is tentatively scheduled and may be in color. One film may be made in England this summer.

Robert Ritchie, a director of M-G-M's British studio, arrived for conferences on future production. He will go to the coast for talks with Louis B. Mayer.

Hal Horne, Walt Disney representative, another arrival, was gone several weeks during which he checked up on the reception of "Snow White" in foreign languages.

George Arliss, who arrived after a stay of about four years in England, said he has no American commitments but will leave for Hollywood next week to discuss a projected film.

Other passengers were Lili Damita, who said she has retired, and Peggy Wood.

Blumberg Due Today From Visit to Coast

Nate J. Blumberg, Universal president, arrives in New York today after a studio visit. W. A. Scully, general sales manager, and F. J. A. McCarthy, his assistant, will arrive with Blumberg after meeting him in Chicago yesterday. The trio will conduct a divisional sales managers' meeting at the home office today.

J. Cheever Cowdin, Universal board chairman, arrives from the coast by plane later in the day.

New York Review

"The Duke of West Point"

(United Artists)

Entertainment with immense popular appeal is the way "The Duke of West Point" stacks up for the exhibitor anywhere. The Edward Small production has a title which should be attractive of patronage, and the service academy has long proved a setting for the screen of unquestioned drawing power.

This story is not strikingly new in its general theme, that of the highly conceited Cambridge graduate who follows the family tradition by going to West Point, manages to get himself cordially disliked by many, then redeems himself in the eyes of the cadet corps.

Comedy and romance are woven aptly into the original screenplay by George Bruce, and a rapid pace is maintained throughout in the direction of Alfred E. Green. The players do their work skillfully. Louis Hayward in the lead is exceptionally good, as the conceited boy who proves he can take it; Joan Fontaine, the trainer's daughter, forms the other half of the romance; Tom Brown and Richard Carlson are Hayward's loyal roommates, and Alan Curtis is the upper-classman whose girl Hayward appropriates, with whom he competes in athletics, and who leads in restoring Hayward to cadet life.

Running time, 109 minutes. "G."* CHARLES S. AARONSON

"G" denotes general classification.

Hollywood Preview

"Paris Honeymoon"

(Paramount)

HOLLYWOOD, Dec. 15.—The thespic aplomb and vocal virtuosity which are Bing Crosby's special gifts serve him adequately in this strange story about a wealthy American westerner who goes to Paris to marry an heiress and lands in a mythical European country where he marries a pleasant peasant instead. The self-styled "old groaner" and prexy of KMH sings four Rainger and Robin ditties the while, two of which have popular characteristics.

Franciska Gaal plays the peasant girl in a delicately charming manner and Shirley Ross handles the heiress assignment. Akim Tamiroff pours his impressive artistry into a character comedy portrayal which stands out and Edward Everett Horton plays a manservant with precision. Ben Blue also has a couple of comedy sequences.

Produced by Harlan Thompson and directed by Frank Tuttle from a screenplay by Frank Butler and Don Hartman based on a story by Angela Sherwood, the picture relies upon individual performances for effectiveness.

Running time, 85 minutes. "G."* ROSCOE WILLIAMS.

**"G" denotes general classification.*

Korda Leaves for Hollywood Today On Product Talks

Alexander Korda leaves New York for the coast today where he will spend about two weeks conferring on plans for his future production a[illegible]ties in Hollywood.

Despite the fact that four of the company's five owners will be on the coast next week there is no certainty yet that the annual meeting of stockholders will be held then. No date for the meeting has been set yet, but one may be arranged after Korda's arrival. Mary Pickford, Samuel Goldwyn and Charles Chaplin are in Hollywood now. Douglas Fairbanks, the company's fifth owner, is in Europe, but could be represented by proxy if a meeting is arranged.

Dividend action may be taken and directors re-named if the session is held.

Maurice Silverstone, United Artists chief executive, plans to leave for London on a business trip within the next week. He will be away about a month.

Pascal to Produce "Disciple" on Coast

George Bernard Shaw's "Devil's Disciple" will be made in Hollywood by Gabriel Pascal next summer or fall, Pascal having the rights to three Shaw plays, the British producer said when arriving yesterday on the *Queen Mary.*

The other two are "Doctor's Dilemma" and a recently completed story about Isaac Newton and Charles II, which is as yet untitled. Pascal said he has committed his Shaw films to M-G-M, which is releasing his "Pygmalion," also a Shaw play.

"Doctor's Dilemma" will be an exception, since this is pledged to General Film Distributors in England. The film will be made in England, possibly with Hollywood players in the cast.

Pascal said he has signed Wendy Hiller, of "Pygmalion," for five years and will star her in one film a year. He plans to leave for the coast Sunday to dub "Pygmalion" in Spanish for Latin American release by M-G-M.

Zukor Is Good Will Boss for Paramount

(*Continued from page* 1)

the company's production, distribution and exhibition activities in Britain.

In February, Zukor and Hicks will visit the company's Continental European branches together. Thereafter, Zukor will sail from Europe for Central and South America, continuing his survey of the company's operations. From Latin America, he will return to the home office for an interval before rejoining Hicks on an extended trip which will include New Zealand, Australia and the Far East.

Rose's assignment gives him the direction of Paramount's distribution, production and exhibition activities in the British Isles, the post which was temporarily filled by Hicks during the past few months.

U.S. MAIL
"He's round-shouldered from carrying all those NEW YEARS bookings on M-G-M's SWEETHEARTS!"
(it's the Jeanette MacDonald Nelson Eddy Technicolor Sensation!)
-S:

Variety Club

Omaha

OMAHA, Dec. 15.—HARRY J. SHUMOW, M-G-M branch manager, was named chief barker of the local Variety Club for 1939, succeeding WALT M. GREEN. SHUMOW is a charter member and was the club's first Chief Barker.

Other officers are JOHN J. GILLIN, first assistant; SAM EPSTEIN, second assistant; S. J. FRANCIS, dough guy. EDWARD SHAFTON was reelected to his fifth term as property master.

Canvassmen are MORRIE COHN, JOE JACOBS, BILL FOLEY, ROY PALMQUIST, E. D. PERKINS, JOE ROSENBERG, TED MENDENHALL, D. V. McLUCAS, and GREEN. Clowns are GREEN and MENDENHALL, with the former as national convassman. JACOBS and EPSTEIN are alternate clowns.

Kansas City

KANSAS CITY, Dec. 15. — FRANK HENSLER of the Variety Club and ERNIE MEHL, *Kansas City Star,* are in charge of the Variety-*Star* bowling tournament again this year. The two-day event, proceeds of which will go to provide milk for underprivileged school children in the two Kansas Cities, will be held Dec. 17 and 18 at the Plamor in Kansas City, Mo., and at Grindel-Lambke, Kansas City, Kan. J. W. LEWIS is in charge of sales in Kansas City, Mo., and GEORGE BAKER in Kansas City, Kan.

Cinema Club will hold a party at the Variety Clubrooms Dec. 21. Admission will consist of two cans of food which the club will present to the "Xmas family" of needy persons this month. The club has adopted one of the Kansas City *Star* families.

Detroit

DETROIT, Dec. 15. — The following officers have been elected by the local Variety Club for next year: CHARLES C. PERRY, chief barker; HAROLD C. ROBINSON, first assistant; WILLIAM FLEMION, second assistant; DAVID NEWMAN, property master; JACK SAXE, dough guy; CARL BUERMELE, FRANK DOWNEY, MORRIS SILVERBERG, JACK STEWART, JOHN HOWARD, LEW WISPER, canvasmen.

The club will give a Christmas party in the clubrooms Dec. 24, at which local exchange managers will entertain their staffs.

Minneapolis

MINNEAPOLIS, Dec. 15.—New officers of the Variety Club of the Twin Cities include W. A. STEFFES (re-elected), chief barker; first assistant chief barker, BEN BLOTCKY; second assistant chief barker, PAUL MANS; treasurer, NORWOOD HALL; secretary, W. H. WORKMAN; board of governors, GEORGE GRANSTROM, DON BUCKLEY, E. R. RUBEN, A. A. KAPLAN, RAY WYLIE and HAROLD JOHNSON.

Cleveland

CLEVELAND, Dec. 15.—NAT WOLF, Warner zone manager, who has been serving as chief barker of the Cleveland Variety Club during the unexpired term of DAVE MILLER, has been elected chief barker for next year. Other officers for the year are: "DUKE" CLARK, first vice-president; BERT STEARN, second vice-president; I. J. SCHMERTZ, treasurer, and FRANK BOYD, secretary.

Des Moines

DES MOINES, Dec. 15. — Variety Club, inactive for some months, are now holding noonday luncheons each Saturday at the Savery Hotel, with an outstanding person as guest speaker at each meeting.

The club is making plans to hold its annual Christmas party for shut-ins, including all residents of Des Moines old people's homes, children's homes and the like. ART STOLTE of the Tri-States Theatre Corp., and R. M. COPELAND, manager of the Paramount exchange, are in charge of arrangements. It will be at the Paramount Dec. 17.

Milwaukee

MILWAUKEE, Dec. 15.—A committee consisting of SAM SHURMAN, M-G-M; ART N. SCHMITZ, RKO, and OSCAR RUBY, Columbia, is in charge of ticket sales on the Variety Club's drive to raise $2,000 for the purchase of two therapeutic tanks for the Children's Hospital here.

Out Hollywood Way

HOLLYWOOD, Dec. 15. — J. WALTER RUBEN's first picture as a producer at M-G-M will be "Sergeant Madden," which will star WALLACE BEERY. JOSEF VON STERNBERG will direct from WELLS ROOT's adaptation of the WILLIAM A. ULLMAN, JR., novel . . . MARLENE DIETRICH has obtained permission from HARRY COHN to make pictures on the outside until FRANK CAPRA is ready to direct "Chopin." CAPRA is preparing "The Gentleman from Montana," which will star GARY COOPER, and the original deal was that the DIETRICH vehicle would have been first . . . ROBERT MONTGOMERY's next picture at M-G-M will be "Maiden Voyage," from the story by VIRGINIA FAULKNER and GOTTFRIED REINHARDT.

✚

DR. EUGENE FRENKE is planning three additional pictures for his wife, ANNA STEN, following viewing of rough cuts of "Exile Express." This picture and the others will be released through Grand National . MADELEINE CARROLL and FRED MACMURRAY will be co-starred in Paramount's "Angels in Furs," story by W. B. COURTNEY. JEFF LAZARUS will produce, with VIRGINIA VAN UPP writing the script . . . M-G-M is perpetuating the annual "Our Gang Follies," the musical short subject on the yearly agenda of the youngsters. GEORGE SIDNEY will direct.

✚

Casting—DON STANNARD to "Idiot's Delight," M-G-M . . . DOROTHY PETERSON to "The Flying Irishman," RKO . . . PAUL PORCASI to "Juarez," Warners . . . ROSELLA TOWNE gets the lead in Warners' "Smashing the Money Ring" . . . EDWARD GARGAN to "Yes, My Darling Daughter," Warners . . . WILLIAM FRAWLEY, JOHN GALLAUDET and MARY ("PUNKINS") PARKER to "Sudden Money," Paramount . . . ALLEN JENKINS and JOHNNIE DAVIS to "Sweepstakes Winner," Warners . . . STEFFI DUNA to "Smashing the Money Ring." Warners . . . MAUDE ALLEN to "Song of the West," M-G-M . . . NEIL HAMILTON, GILBERT EMERY, BARRY FITZGERALD, JEROME COWAN and EDWARD GARGAN to "The Saint Strikes Twice," Warners . . . CLAIRE DODD draws the second lead in "Dr. Judith Randall," Republic . . . AL SHEAN to "Broadway Serenade," M-G-M . . . SARAH PADDEN and ROGER GREY to "Huckleberry Finn," M-G-M . . . WALTER BRENNAN to "Stanley and Livingstone," 20th Century-Fox.

✚

Writers and Story Buys—Monogram has purchased "Little Big House," original by NORMAN S. HALL and RAY TRAMPE, for a FRANKIE DARRO vehicle. It will be made as "Boys' Reformatory" . . . SAMUEL CHAIN joins JACK CHERTOK's writing staff at M-G-M . . . CHARLES TEDFORD is working on the script of "Trail's End," Warner sequel to "Heart of the North" . . . PRESTON STURGES is working on "The Amazing Marriage," MALCOLM S. BOYLAN on "Lives of a Texas Ranger," and HENRY MYERS on "The Cat and the Canary," all at Paramount.

✚

Directors—GEORGE WAGGNER will direct "Sky Pilot," first of the "Tailspin Tommy" pictures to be made by PAUL MALVERN for Monogram . . . CRANE WILBUR has been assigned to "Sons of Liberty," four-reel subject on the life of HAYM SALOMON, at Warners . . . NORMAN FOSTER draws "Charlie Chan in Reno" at 20th Century-Fox.

Gypsy Lee, "Annabel" $9,500, Indianapolis

INDIANAPOLIS, Dec. 15. — Gypsy Rose Lee and her "Hollywood to Broadway Revue" on the stage did rousing business of $9,500 for the Indiana. "Annabel Takes a Tour" was on the screen.

"Out West With the Hardys," gave Loew's $6,500 for its second and final week. "Breaking the Ice" and "Mr. Doodle Kicks Off" was worth $3,200 to the Apollo.

Estimated takings for the week ending Dec. 8:

"Breaking the Ice" (RKO)
"Mr. Doodle Kicks Off" (RKO)
APOLLO—(1,100) (25c-40c) 7 days. Gross: $3,200. (Average, $3,000)

"Annabel Takes a Tour" (RKO)
INDIANA—(3,200) (25c-40c) 7 days. Stage: Gypsy Rose Lee's Hollywood to Broadway Revue. Gross: $9,500. (Average, $5,000)

"Out West With the Hardys" (M-G-M)
"Adventure in Sahara" (Col.)
LOEW'S—(2,800) (25c-40c) 7 days, 2nd week. Gross: $6,500. (Average, $7,000)

"Comet Over Broadway" (W. B.)
LYRIC—(2,000) (25c-40c) 7 days. Stage: Roger Pryor's Orchestra, with Red Skelton. Gross: $8,500. (Average, $8,000)

Milwaukee ITPA to Hold Meeting Jan. 24

MILWAUKEE, Dec. 15.—The Independent Theatres Protective Association has scheduled Jan. 24 and 25 as the dates for its annual meeting. The place will be decided upon at a directors' meeting to be held this month.

Officers of the association have received a copy of the draft of the distributors' trade practice proposals for study, but withheld comment upon it.

A PICTURE SO TIMELY IT ALMOST SCOOPED THE NEWSPAPERS THEMSELVES!
SMASHING THE SPY RING
A Columbia Picture

Radio Personals

JAMES J. WALKER will be featured on "This is New York" program over CBS Sunday . . . Radie Harris, Mutual's film reporter, has had her contract renewed for an additional 26 weeks . . . Phil Baker and Don Budge, the tennis player, will be guests at the Benny Goodman swing session on Tuesday . . . Three members of the KDYL, Salt Lake, staff have recently taken the marriage vows, Cozette Neilson, staff vocalist; Chick Perry, arranger for the house orchestra, and Jack Alkire, press operator . . . Dashiell Hammett, author of "The Thin Man," will be M.C. at WHN's "Refugee Theatre of the Air tomorrow at 10 P.M.

+

Johnny Green brings his band to "Johnny Presents" on Jan. 28 when he replaces Russ Morgan's orchestra. The program will continue to be heard over CBS Saturdays at 8 P.M. with rebroadcasts at 11:30 P.M. . . . John Gorman Walsh, manager of WDEL, NBC-Red outlet at Wilmington and Katherine Anderson, also of Wilmington, have been married . . . Priscilla Lane will be heard with Charles Boyer in "Blind Man's Holiday" on the "Hollywood Playhouse" program over NBC-Blue Sunday . . . Richard Crooks, Metropolitan Opera tenor, will sing Christmas songs with the Firestone Symphony Orchestra on Monday over the NBC-Red . . . Shirley Ross will be guest star of Tommy Dorsey on Wednesday at 8:30 P.M. on NBC-Red. Miss Ross will sing one of the songs from her latest film, "Thanks for the Memory."

Crosley Asks Permit For Facsimile Radio

CINCINNATI, Dec. 15.—The Crosley Corp., which has been experimenting in night facsimile broadcasting for the past six months, has applied to the F. C. C. for a permit to operate a new daytime station for experimental facsimile broadcasting, utilizing equipment of station W8XNU, a high frequency outlet, operating on 26,000 kilocycles. The power of the new station would be 1,000 watts.

KDKA Show Commercial

PITTSBURGH, Dec. 15.—Starting Jan. 2, the "Silhouettes of the West," KDKA-Blue Network program, will go commercial for Mail Pouch Tobacco. Roy Starkey and Doyle "Slim" White present home-spun philosophy.

FCC Calendar

WASHINGTON, Dec. 15.—Application for authority to construct a new broadcasting station, to operate on 1,370 kilocycles with 100 watts power night, 250 watts day, has been filed with the Federal Communications Commission by John B. Cooley, Minot, N. D.

The commission also received an application from WHMA, Anniston, Ala., for extension of time of operation from day to unlimited, using 100 watts power.

Carol's Record

Cincinnati, Dec. 15.—For the second year, Paul Kennedy, radio editor of the *Cincinnati Post,* is trying to save the famous Christmas carol, "Silent Night" from extinction, through constant repetition on the air from now until Christmas.

Kennedy's records show that from Dec. 19 to midnight on Christmas last year the song was performed once each six minutes on stations in the local area, while on Christmas Eve it was on the air once every three minutes.

Baer Files Suit for Int'l Television Stock

Fred E. Baer has filed suit in the Federal Court against International Television-Radio Corp. and Electric Patent Holding Corp. to compel the delivery of 40,000 shares of International stock. He asks $25,000 damages in addition.

Baer alleges that he rendered publicity services for the defendants in 1934 and received the stock as compensation. Subsequently, he returned the stock for tax purposes, he claims, and when he demanded new certificates on Dec. 7, the demand was refused.

Robinson on Lux Show

Edward G. Robinson and Wayne Morris will appear in their original roles when "Kid Galahad" is dramatized on the Lux "Radio Theatre" over CBS Monday. Joan Bennett and Andrea Leeds will take the feminine leads. During intermission, Jack Dempsey and Gene Tunney will broadcast from Buffalo and New York, respectively.

Farnsworth Forms New Research Unit

DOVER, Dec. 15.—Farnsworth Television & Radio Corp. has been formed here to engage in scientific research with a capital of $2,000,000. J. M. Townsend, A. L. Raughley and M. S. Cook of Dover are the incorporators.

FCC to Aid Press In Reporting News

WASHINGTON, Dec. 15.—Federal Communications Commission has set aside radio facilities to aid the press in reporting news events. Issuing new rules for miscellaneous radio services, the commission has designated a new group called press relay stations, intended to be licensed to publishers or news associations for news reporting where "other communication facilities are not available."

A reporter aboard a burning vessel, for example, could send his story via a relay station, which in turn would communicate it to the newspaper. Five frequencies above 30,000 kilocyles have been set aside. Under the plan licenses for the stations will be issued on a permanent basis, whereas heretofore, special licenses had to be obtained for mobile press units.

Ruppel Is Appointed CBS Publicity Chief

Louis Ruppel will join CBS as director of publicity on Dec. 28. He comes to CBS from the *Chicago Times* where he was managing editor. Luther J. Reid will become assistant director when Ruppel assumes the post.

Withyscomb Sues WFIL

Suit for $50,000 damages has been filed in the U. S. District Court here by Donald Withyscomb against WFIL Broadcasting Co., operators of WFIL, Philadelphia. Withyscomb alleges that he was hired as general manager of the station in May, 1937, under a three-year contract at $15,000 annually in addition to five per cent of the profits. He claims that he was "wrongfully discharged" in September.

Case WRAL Executive

CINCINNATI, Dec. 15.—George T. Case, formerly with WCKY and WCPO here, has been appointed assistant to the general manager of WRAL, a new station at Raleigh, N. C.

New Shows on the Air

Motion picture industry's one-hour patriotic program Wednesday night over NBC, emanating from Hollywood, was a stirring contribution to the campaign to make Americans conscious of their heritage.

NBC officials estimated that 20,000,000 persons heard the broadcast, 10 to 11 P. M., EST, locally over WJZ.

The program started with Meredith Wilson's symphony orchestra carrying Tony Martin, tenor, into Irving Berlin's "God Bless America." Highlights of the broadcast's purpose were contained in talks by Dr. Robert A. Millikan, president of the California Institute of Technology; Joseph Scott, Los Angeles attorney, and Paul Muni, who spoke on the difference of national policies between America and other nations.

Judy Garland sang songs symbolic of American patriotism and Jeanette MacDonald sang "The Star Spangled Banner." A dramatic highlight was a sketch of the landing of the Pilgrims directed by Frank Capra. The players, all Hollywood personalities, included Edward G. Robinson, James Cagney, Lionel Barrymore, Pat O'Brien, Walter Connolly, Wayne Morris, Donald Crisp, Edward Arnold, the Mauch Twins, Edith Fellowes, Jackie Searle, Virginia Weidler and Jackie Cooper. Robert Taylor handled the introductions.

There was also a "Hardy Family" skit with a cast including Lewis Stone, Fay Holden, Mickey Rooney, Cecelia Parker and Ann Rutherford. The meaning of the Bill of Rights was brought out.

The program was in connection with "Rededication Day," sponsored by numerous patriotic and civic organizations.

Around the Country

Philadelphia

Powers Gouraud, WCAU's "[illegible]ght Owl," has shifted from 11 P.M. to 6:50 P.M. five times weekly. Gouraud airs town chatter for Yellow Cab Co. . . . Dixie Lee, erstwhile scribe for *Evening Ledger* now doing weekly comment on problems of youth via KYW-WPEN. . . . WIP is first station in town to inaugurate all night program. Show is recorded dance tunes six times weekly called "Dawn Patrol." Fred Woods, recent addition to WIP's announcing staff, is handling the program . . . Jan Savitt, KYW house band master, is taking leave of studio chores to tour with his Tophatters group.

+

San Francisco

Former Hollywood announcer Bert Symes now on KYA staff . . . Agatha Turley, former KYA soprano, now on KFRC staff singing on "Feminine Fancies" once a week . . . Carl Schwarz added to KYA's technical staff . . . KYA has added two hour symphony program nightly, featured selected transcriptions . . . Former KGO manager Howard Milholland, returned from world tour, has rejoined station's staff for weekly program of poetry, accompanied by Mrs. Milholland (Eva Garcia), on piano . . . KPO director Paul Martin has resigned, and will go to New York in February . . . KFRC musical director Chester Smith has introduced a new show called "Rhythmic Riddles," a musical quiz . . . Minnesota Consolidated Canneries and Manhattan Soap Co. are sharing sponsorship of KGO's "Home Forum," which features Gladys Cronkhite.

+

Albany

Newest addition to WABY's staff is Carl Mattison, former WMFF, Plattsburg, announcer. . . . Johnny Lee is subbing for Forrest Willis on the D'Jimas program, while Willis is in Bermuda. . . . Leo Bolley doubles back and forth between WFBL, Syracuse and WGY, Schenectady to make 17 Tydol programs weekly. . . . Harold Smith, general manager of WOKO, leads the station orchestra on a weekly air concert. . . . New daytime station set to go in Troy next month is owned by Colonel H. C. Wilder, who is also connected with WSYR, Syracuse; WJTN, Jamestown, and WNBF, Springfield, Vt.

+

Cincinnati

Ray Shannon, WLW-WSAI player since 1936, has been re-signed for an additional two years . . . Jerry Cooper, on "Vocal Varieties" for Tums, a Tuesday evening program originating at WLW and piped to NBC-Red, has been signed for another 13 weeks . . . Bill Robinson, in WLW program department until six years ago, when he left for posts in Texas and Colorado, has rejoined Crosley as salesman at WSAI, replacing M. Harrison.

+

Des Moines

Robert Burlingame has joined the news staff of WHO, replacing Otto Weber.

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 44. NO. 119 NEW YORK, MONDAY, DECEMBER 19, 1938 TEN CENTS

PINEWOOD-DENHAM MERGER IS CLOSED

Loew's Is Not Dependent On Any Single Man

Schenck, at Trial, Says He Is Replaceable

Loew's is so rich in manpower, the company no longer is dependent on any one man, not even himself, Nicholas M. Schenck, president, told N. Y. Supreme Court Justice Louis A. Valente, at the trial of the present minority stockholders' suit against Loew's and its executives.

Also Schenck revealed that in 1936, when he induced Arthur M. Loew not to quit and to remain with the company, he told young Loew that some day the latter might succeed him as president.

"Anybody, including myself, can be replaced. Our present executive staff is the finest the industry has ever known. Loew's success is due to these men," and Schenck outlined to the court how important it was to have competent executive manpower properly compensated.

"Loew's Comes First"

"Loew's comes first, last and always with me," Schenck told the court, "and everybody in the business knows this."

To Arthur M. Loew, Schenck credited the rise and development of the company's foreign trade, until today Loew's is pre-eminent in that end of the business, too, doing approximately $48,000,000 annually in foreign business.

He told how the purchase of the Gaumont British theatres was first brought up in 1926, and that 10 years later, he found John Maxwell, British film magnate, dickering for these houses. It took considerable negotiation to induce Sidney R. Kent, president of 20th Century-Fox to dispose of half of that company's equity in G. B. to Loew's for $3,500,000.

Properly managed, Schenck told the court, the G. B. circuit would become among the most important in Europe.

G. N. Names Bernerd, Wilson British Heads

London, Dec. 18.—Grand National has announced the appointments of Jeffrey Bernerd and Maurice Wilson as joint directors of the British part of that company. The U. S. interests in G.N. are represented by Edward Russell. It was anounced also that it is the company's intention to distribute 16 British pictures and 32 American, apparently for the independent market.

Distributors Stand Firm on Italy Edict

All distributors without exception reaffirmed their stand against compliance with the Italian distribution monopoly decree after Dec. 31, when it becomes effective, and again declared their intention of not doing business in Italy after that date during a meeting of foreign department heads at M.P.P.D.A. headquarters Friday.

Zukor Off to Europe As Paramount Envoy Tearful But Happy

Tears brimmed the eyes of Adolph Zukor as he said good-bye to relatives and friends before sailing with his wife for England Friday.

"I am happy to be going on this trip and to be doing the kind of work I like to do," he said. "This will be a good vacation, and I am happy."

He said he looked forward to traveling a good deal and would be back here in several months.

Numerous friends and business associates crowded his suite aboard the *Queen Mary* to bid him farewell.

David Rose, Paramount's chief in the British Isles, sailed with him.

With gifts of flowers in profusion in Zukor's suite, there were last minute whispered confidences between him and other Paramount executives and an exchange of pleasantries.

"Keep your chin up," admonished John Hicks, vice-president in charge of foreign activities, as he said goodbye. "I'll be over in January."

Zukor enjoyed this lightheartedness. "I'll do that," he told Hicks.

Among those turning out to see Zukor and Mrs. Zukor off were Stanton Griffis, chairman of Paramount's executive committee; Barney Balaban, president of Paramount; Leo Spitz, former RKO chief executive; Jules Brulatour and William J. German; Ted Curtis, Eastman sales manager; Abe Lastfogel of the William Morris office, and others.

Stockholders' Disputes Again Halt RKO Plan

Disputes between stockholders who are junior in interest to creditors have caused another delay in the RKO reorganization proceedings. Present court hearings on the amended plan has been put off until Dec. 29, thus destroying all chance of the company's emergence from 77b, this year.

This was revealed by Carlos Israels, of the downtown firm of White & Case, attorneys for the unsecured creditors, in open court, when Hamilton C. Rickaby, of Simpson, Thacher and Bartlett, attorneys for proponents of the plan, requested an adjournment of the hearings.

The court was informed by Rickaby that its request for confirmatory consents from holders of the Seligman certificates had been complied with, but Federal Judge William O. Bondy insisted on having facsimile copies of the certificates for further study.

The certificates were issued by J. & W. Seligman & Co., depository, under a 1931 agreement with RKO, and represent partially paid debentures and common stock.

Ernest W. Stirn, holder of old Class "A" stock of RKO, in an affidavit, has attacked the validity of proxies used in the company's 1931 reorganization, in Baltimore. Judge Bondy pointed out that in the absence of opposing affidavits, the Stirn allegations would have to be admitted, a construction which was disputed by Attorney Rickaby.

Attorneys for the trustee (Irving Trust Co.) are preparing an answer to the Stirn allegations.

The question was described as "very material" by Judge Bondy.

Korda Not on Studio Board; Stays Head Of London Films

London, Dec. 18.—Pinewood-Denham studio merger was closed Friday at the annual meeting of the London Films stockholders. Eight directors were appointed to the board of the new company. They are Charles Boot, E. Ronald Crammond, E. H. George, Sir Connop Guthrie, Ernest Lever, Capt. Richard Norton, J. Arthur Rank and P. C. Stapleton. It was stated following the meeting that the amalgamation will not interrupt production activities of individual interests at either studio.

Korda Heads L. F.

Alexander Korda was not re-elected to the London Films Board. John R. Sutro and E. H. George were both returned to the board. Sutro explained that Korda's reelection to the board was unnecessary, as Korda is managing director of London. He has no position on the studio board.

The meeting authorized London Film directors to establish agreements with Pinewood, Prudential Assurance and Equity Law Assurance, all three of which are financially interested in the merger of the Pinewood and Denham studios. The meeting also approved the company's balance sheet for the fiscal year just closed.

Alexander Korda left New York for Hollywood by plane Friday. In his absence, no comment was forthcoming here.

Capacity Crowd Due At Bernie Luncheon

An attendance of more than 1,000 is expected at the testimonial luncheon to Ben Bernie, which Eddie Cantor is giving at the Astor today. The luncheon is a part of the drive of the Amusement Division of the Federation for the Support of Jewish Philanthropic Societies of N. Y. to raise its $225,000 quota for this year.

Approximately 800 reservations had been received up to Saturday, giving indication that the attendance might pass 1,000 today. Bernie and Cantor will be the principal speakers at the luncheon. David Bernstein and Major Albert Warner are co-chairmen of the Amusement Division for the drive.

MOTION PICTURE DAILY presents in this issue a section dedicated to the Twentieth Anniversary celebration of the Schine Circuit, in Albany tonight. Motion Picture Daily takes this occasion to extend felicitations to J. Myer and Louis W. Schine and their staff.

Philadelphia Likes 'French' For $16,000

PHILADELPHIA, Dec. 18.—Usual pre-holiday slump hit Philadelphia grosses.

Only respectable figure was the $16,000 at the Earle for "Say It in French" on the screen and Richard Himber's band on the stage. "Dramatic School" only drew $11,000 to the Boyd. Third week of "Cowboy and the Lady" was a fair $7,000 at the Aldine; ditto for third week of "Angels with Ditry Faces" with $10,000 at the Fox.

Estimated takings for the week ending Dec. 15:

"Cowboy And Lady" (U. A.)
ALDINE—(1,300) (40c-55c-65) 7 days, 3rd week. Gross: $7,000. (Average, $8,160)
"The Great Waltz"
ARCADIA—(600) (25c-40c55c) 7 days, 2nd week. Gross: $2,700. (Average, $2,800)
"Dramatic School" (M-G-M)
BOYD—(2,400) (40c-55c-65c) 7 days. Gross: $11,000. (Average, $14,000)
"Say It In French" (Para.)
EARLE—(2,000) (25c-40c-55c) 6 days. Stage: Richard Himber band. Gross: $16,000. (Average, $14,000)
"Angels With Dirty Faces" (Warners)
FOX—(3,000) (40c-55c-65c-75c) 7 days, 3rd week. Gross: $10,000. (Average, $14,000)
"Annabel Takes A Tour" (RKO)
KARLTON—(1,000) (25c-40c-55c) 7 days. Gross: $2,200. (Average, $4,000)
"Spring Madness" (M-G-M)
KEITH'S—(2,000) (25c-40c-55c) 7 days. Gross: $2,500. (Average, $4,000)
"Out West With Hardys" (M-G-M)
STANLEY—(3,700) (40c-55c-65c) 7 days. Gross: $10,000. (Average, $14,000)
"Ride A Crooked Mile" (Para.)
STANTON—(1,700) (25c-40c-55c) 7 days. Gross: $5,000. (Average, $7,000)

Musicians Elect Rosenberg Slate

Entire administration slate of Local 802, American Federation of Musicians, headed by Jacob Rosenberg, president, was victorious over two opposition slates in the union's election. About 9,000 votes were cast and the administration ticket led by almost six to one.

Those elected, all for two-year terms, are: Rosenberg, president; Richard McCann, vice president; William Feinberg, secretary and Harry A. Suber, treasurer. Executive board members: Mario Falcone, William Laendner, John H. Long, John Manuti, Robert Sterne, Samuel Suber, Samuel Tabak and S. C. Thompson.

Trial board members elected: Max L. Arons, Emil G. Balzer, Sherman G. Brande, Edward Horn, Richard Landon, C. G. McGibeny, George Schector and Gino Tirelli. Delegates to the A. F. of M. convention, Robert Sterne and Samuel Tabak. Delegates to the State Federation of Labor: Emil G. Balzer and Richard McCann. Delegates to Central Trades and Labor Council: William Feinberg, Richard McCann and Jacob Rosenberg. Delegate to United Hebrew Trades, Louis Grupp.

Kent Returns Today

Sidney R. Kent, president of 20th Century-Fox, heads an eastern contingent returning today from studio conferences on next year's plans.

Hollywood Preview

"Kentucky"

(20th Century-Fox)

HOLLYWOOD, Dec. 18.—Darryl F. Zanuck delivers a money picture in "Kentucky." A time-tried story—a race horse yarn. In transcribing the original story, "The Look of Eagles," written by John Taintor Foote, neither he nor his collaborator, Lamar Trotti, permitted themselves to be restricted to narrow prosaic formula. Fresh angles, appealing and endowing the theme's romance, drama, comedy, pathos, action and colorful spectacle with a human interest quality, are accentuated by the wealth of topical production detail. Color photography is good.

The story opens at the outbreak of the Civil War, with Kentucky divided in allegiance between the Union and the Confederacy, a condition which leads to a bitter feud between two families of horse breeders who have been friends and neighbors for generations. These sequences are in the nature of a prologue. From this point the film spans several generations and resumes wth a romantic dramatic story of today.

Loretta Young and Richard Greene handle their roles with a convincing naturalness and understanding. Walter Brennan steals the show. David Butler's direction is skilful. It is an all-audience show.

Running time, 95 minutes. "G." G. McC.

**"G" denotes general classification.*

500 in Industry Gather At Albany to Fete Schines

Tonight 500 men of the motion picture industry at the Ten Eyck Hotel, Albany, honor J. Myer Schine and Louis W. Schine, celebrating their twentieth anniversary in the industry.

A partial list of tonight's speakers includes Herman Wobber, Herman Robbins, W. A. Scully, Jack Cohn, Jules Levy, Ned Depinet, Tom Connors and Louis Nizer. Harry Hirshfield will serve as toastmaster.

Committees in Charge

The committee arranging the testimonial was headed by Philip C. Fox, Columbia branch manager. Subcommittee heads, composed of the remaining branch managers here, are: Bernard Kranze, M. N. Grassgreen, P. S. Krumenacker, A. G. Leary, Ben Smith, Tony Ryan, Arthur Newmann, Clayton Eastman, Ralph Pielow and Bernard Mills.

The guest list includes:

New York: Nate Blumberg, W. A. Scully, H. J. Yates, Sr., J. R. Grainger, Jack Cohn, Jules Levy, Ned Depinet, Tom Connors, Ed K. O'Shea, M. S. Kusell, Abe Montague, Rube Jackter, L. Weinberg, M. J. Weisfeldt, E. M. Schnitzer, R. H. Haines, M. Herschmann, C. J. Weinstein, Bert Sanford, H. Rambusch, A. J. Rademacher, E. Auger, Dave Eberson, J. Eberson, L. Francis, Edward Golden, C. Weeks, George Dembow, Herman Robbins, J. A. Cohen, C. Stern, Simon Fabian, Louis Nizer, Sam Rosen, Walter Reade, Jr., H. Thomas, W. McKay, John McManus, Amos Leonard, L. W. Conrow, J. Marpole, M. Bernstein, A. Dow, B. Dow, L. Goldberg, A. Haas, G. L. Carrington, W. J. Graham, E. M. Herschman, C. Eisman, Jules Levy, Moe Streimer, C. Casanave, C. Lewis, J. Bellman, B. Rodgers, E. L. McEvoy, H. Michalson, L. Astor, C. Berns, M. Jaffee, Abe Rosenbaum, Abe Greenblatt, Max Bernstein, P. Heineman, J. Cohen, G. Mead, J. Levin, C. Bryan, E. Schosberg, B. Kalmenson.

Gloversville: E. D. Leishman, M. Glockner, G. Selmser, J. May, L. Goldstein, W. Kramer, I. Heiman, Dr. R. J. Lebovich, Dr. M. Kennedy, Assemblyman Denton D. Lake, Harry Heiman, George Lynch, E. Mills, F. L. Rogers, H. A. Schlusberg, C. Dorfman, I. Willner, A. Batty, H. Sliter, R. Kayne, S. Fields, J. Golden, Victor Arbil, J. A. Zuckerwar, H. Gill, J. Lafabregue, Fred Geisler, Dr. H. H. Oaksford, M. A. Berger, F. Barter, H. V. Wessels, D. Higgier, H. Antevil, H. A. Rosselle, G. Rothschild, J. Higger, A. Miller, J. N. Mendel, E. A. Saunders, J. Lazarus, W. M. Ringle, Harold Slider, Fred G. Slider, Rabbi Friedman, Sandy Lazarr, Sol Schaefer, Jacob Ark, C. Morris Stern, Louis Levitch.

Amsterdam: B. Singer, H. Singer, M. Singer, L. R. Jones, J. Sewell, T. E. Brown, E. A. Saunders.

Albany: Philip C. Fox, Bernard Kranze, M. N. Grassgreen, P. S. Krumenacker, Arthur Newman, Ralph Pielow, Clayton Eastman, B. Smith, A. Gerald Leary, Tony Ryan, Bernard Mills, Charles Smakwitz, M. A. Silver, Louis R. Golding, Dan Houlihan, E. Sichel, Andy Roy, A. M. Horn, O. E. Williams, C. Youst, G. Haney, James Faughnan, M. Friedman, J. Lowe, Ed Hochstim, A. Marchette, L. Leiser, Gene Vogel, H. Ripps, B. Williams, Jack Walsh, J. Given, R. Gaddoni, R. Cummings, Jr., R. Strewe, J. Davis, J. Tucker, W. Benson, A. Van Deusen, F. Duffy, Leon Herman, Joseph Weinstein, A. J. Van Dusen.

Cleveland Sends Delegation

Cleveland: Dave Miller, H. H. Greenblatt, R. J. Schmertz, Peter Klein.

Jay Emanuel J. Beresin, Philadelphia; L. Lazar, H. Thompson, R. Fritz, Bellefontaine, O.; M. Stevens, Gardiner, Mass.; H. M. Addison, Boston; W. Codoret, Rochester; G. Walsh, H. Greenberg, J. Levy, Poughkeepsie; B. Kennedy Johnson, M. Cooke, Trenton; E. B. Milliman, Rochester; R. I. Morissette, Ogdensburg; Julius Rothstein, Utica; R. J. Mork, Detroit; Seymour Morris, Cortland.

Syracuse: L. Cooney, J. Keane, E. Freshman, F. E. Ferguson, H. Byrne, J. Wallin.

S. M. Flax, R. Smeltzer, Washington.

Julius Rothstein, Utica; W. J. Tubbert, Watertown; William C. Smalley, Steve Tarbell, Cooperstown; C. Young, Geneva; Harry Black, Troy; J. Schwartzwalder, Auburn; E. J. Turner, Binghamton.

Buffalo: Charles Hayman, J. Berkowitz, Charles Boasberg, K. G. Robinson, I. Fried, N. Basil, H. Berkson, J. Levee, Bob Murphy, Vincent R. McFaul, C. Rich, Jack Zuricker, James E. Mahoney, H. Goldsmith, M. R. Sodikman.

'U' Buys Sullivan Yarn

HOLLYWOOD, Dec. 18.—Ed Sullivan, *N. Y. Daily News* columnist, has sold an original, "Big Town Czar," to Universal.

Mannix Leaves Hospital

HOLLYWOOD, Dec. 18.—Edward J. Mannix, M-G-M producer, left the Cedars of Lebanon Hospital on Saturday and went to Arizona.

Seattle Gives 'Cowboy' Dual $7,400 High

SEATTLE, Dec. 18.—Best comparative gross in the pre-holiday slump here went to the dual "The Cowboy and The Lady" and "Torchy Gets Her Man" at the Paramount with $7,350.

"If I Were King," at the Blue Mouse in its third week on an extended run from Paramount drew $4,100. "Angels With Dirty Faces" and "Meet The Girls," $5,150 at the Orpheum.

Estimated takings for the week ending Dec. 16:

"If I Were King" (Para.)
BLUE MOUSE—(950) (30c-40c-55c), 7 days, 3rd week, extended run from Paramount. Gross: $4,100. (Average, $4,000)
"Hard To Get" (F. N.)
"Young Dr. Kildare" (M-G-M)
FIFTH AVENUE—(2,500) (30c-40c-55c), 7 days. Gross: $6,800. (Average, $7,000)
"Blondie" (Col.)
"The Lady Objects" (Col.)
LIBERTY — (1,800) (20c-30c-40c-55c), 7 days. Gross: $4,300. (Aveiage, $5,000)
"The Young in Heart" (U. A.)
"Service De Luxe" (Univ.)
MUSIC BOX—(950) (30c-40c-55c), 7 days, 2nd week, extended run from Fifth Avenue. Gross: $3,400. (Average, $4,000)
"Angels With Dirty Faces" (F. N.)
"Meet The Girls" (20th-Fox)
ORPHEUM—(2,450) (30c-40c), 7 days, 2nd week. Gross: $5,150. (Average, $6,000)
"Gangster's Boy" (Mono.)
PALOMAR—(1,500) (15c-25c-30c-40c), 7 days. Vaudeville. Gross: $4,900. (Average, $5.000)
"The Cowboy and The Lady" (U. A.)
"Torchy Gets Her Man" (War.)
PARAMOUNT—(3,050) (30c-40c), 7 days. Gross: $7,350. (Average, $6,000).

Denials Entered in Chicago Trust Suit

CHICAGO, Dec. 18.—General denials of all pertinent allegations were made by seven leading defendants in filing separate answers in U. S. District court here to the anti-trust complaint brought by local independent exhibitors against B. & K. and distributors.

The answers point out that independent exhibitors are operating profitably, they deny a monopoly of local exhibition and agreements that are collusive.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

ITOA Rejects First Draft of New Trade Practice Program

New York's I.T.O.A. (Harry Brandt) rejects the tentative terms of the proposed trade practice program. One specific objection is made only. Otherwise, the rejection is upon general grounds. The organization's attitude has been expressed in a letter sent to William F. Rodgers, general sales manager of Loew's, and chairman of the distributors' negotiating committee.

Specifically, the Brandt organization objects to Sec. 14, of the tentative draft, which portion of the terms relates to the proposed abandonment of the practice by exhibitors of making false box-office reports to distributors. Brandt's group finds fault for including this provision in the draft as a reflection upon the integrity of exhibitors, generally.

The I.T.O.A. took this action on Friday. The organization's letter to Rodgers follows:

I.T.O.A. Letter

"Our committee has given careful consideration to the memorandum of proposals accompanying your letter of Dec. 1.

"It is the unanimous opinion of our committee that far from being a satisfactory solution of the matters complained of, the proposals fail to meet even those minimum points on which we appeared to be in agreement with your committee at our joint conferences.

"We are obliged, therefore, to state that this Association cannot give its approval to the proposals you submitted.

"We cannot, moreover, fail to protest against the inclusion of your point No. 14 with its inference that is a reflection upon the honesty of every exhibitor in the land. It is regrettable that such matter was ever released for publication.

"We reiterate that it is our desire to cooperate with you in establishing proper relationships between the various factors in the industry, but the proposals submitted by you do not, in our opinion, approach the matter in a fair and helpful manner."

To Hold Warner Zone Conference Tomorrow

Operating policies will be discussed at a Warner theatre zone managers' meeting tomorrow at the home office. Joseph Bernhard, general manager, will preside.

Home office executives participating in the discussions will include Clayton Bond, film buyer; Ed Hinchy, Leonard Schlesinger, Harry Goldberg, director of advertising and publicity; Willard C. Patterson, Frank Phelps, director of labor relations; Nat Felman, Abel Vigard, W. Stewart McDonald, Harry Rosenquest, Louis Kaufman, Herman Maier, construction chief, and Frank Cahill.

Zone managers attending will be James Coston, Chicago; Nat Wolf, Cleveland; I. J. Hoffman, New Haven; Don Jacocks, Newark; Moe Silver, Albany; Ted Schlanger, Philadelphia; Harry Kalmine, Pittsburgh; John Payette, Washington; Herb Copelan, Atlantic City, and Howard Waugh, Memphis.

18 Plays on B'way

Closing of "Great Lady" after 20 performances and the revival of "Victoria Reginia" after 88, leaves 18 plays in the Broadway legitimate playhouses. On Thursday, a revival of "Outward Bound" is due at the Playhouse. It will be followed on Friday by "Window Shopping" at the Longacre, and on Saturday by "Blackbirds."

Equity Asks Council To Press for Action On Card Exchange

Resolution asking that Actors' Equity council take the initiative in pressing for interchangeability of cards among the 13 branches of the Associated Actors and Artistes of America was passed at the quarterly meeting of Equity held at the Astor Friday. Although the discussion on the resolution pointed to the many difficulties which stand in the way of complete interchanageability, the membership felt that some action was required and that Equity should take the lead.

New policy which permits suspension for six months and a $500 fine for members who pay their agents excessive commissions was endorsed. The production program of the WPA Federal Art Theatre came in for some criticism, but a motion on the subject was referred to the Federation of Arts Unions for action. Arthur Byron presided and 770 members were present.

'If I Were King' Gets $5,600 in Okla. City

Oklahoma City, Dec. 18.—Competition of Christmas shopping cut into the grosses here. "If I Were King," at the Criterion, drew $5,600. "Submarine Patrol," at the Midwest and "I Am The Law," at the State, each captured $4,000.

Estimated takings for the week ending Dec. 7:

"If I Were King" (Para.)
CRITERION—(1,500) (25c-35c-40c) 7 days. Gross: $5,600. (Average, $5,200)

"Secrets Of An Actress" (F. N.)
"Valley Of Giants" (W. B.)
LIBERTY — (1,200) (20c-25c) 7 days. Gross: $2,300. (Average, $2,500)

"Submarine Patrol" (20th-Fox)
MIDWEST—(1,500) (25c-35c-40c) 7 days. Gross: $4,000. (Average, $4,500)

"I Am The Law" (Col.)
STATE — (1,100) (20c-25c-40c) 7 days. Gross: $4,000. (Average, $3,000)

"The Cowboy And The Lady" (U. A.)
TOWER—(1,000) (25c-35c) second week, 7 days, moved from the Criterion. Gross: $2,200. (Average, $2,500)

Monogram Appoints Agren Comptroller

Ben Agren, formerly in charge of Columbia's tax department, and head of Monogram's auditing department for the past 10 months, has been appointed Monogram comptroller by W. Ray Johnston, president. Agren succeeds J. P. Friedhoff, who was transferred to Hollywood as treasurer of Monogram Prod. recently.

'Snow White' Draws $10,000 in Detroit

Detroit, Dec. 18.—"Snow White," brought back to United Artists, did nicely with $10,000. Fox was not so good at $13,000 with "The Mad Miss Manton" plus stage show. Michigan took $10,000 with dual bill "Dramatic School" and "Spring Madness."

Estimates for week ending Dec. 16:

"Gangster's Boy" (Mono.)
"Always in Trouble" (20th-Fox)
ADAMS—(1,700) (15c-40c), 7 days. Gross: $4,000. (Average, $5,000)

"The Mad Miss Manton" (Col.)
FOX—(5,000) (20c-65c), 7 days. Stage: Gracie Barrie, Lorraine and Rognan, Wenn and Wynesta. Gross: $13,000. (Average: $20,000)

"Dramatic School" (M-G-M)
"Spring Madness" (M-G-M)
MICHIGAN—(4,000) (20c-65c), 7 days. Gross: $10,000. (Average: $10,000)

"Angels With Dirty Faces" (W. B.)
"Western Jamboree" (Rep.)
PALMS-STATE—(3,000) (15c-40c), 7 days. Gross: $9,000. (Average, $10,000)

"Snow White" (RKC)
UNITED ARTISTS—(2,000) (20c-65c), 7 days, reissue. Gross: $10,000. (Average, $10,000)

B'way Films Off; Look for Upswing

Broadway continued in the doldrums last week, but looks forward to a considerable holiday upswing. "Thanks for Everything" finished with an estimated $36,350 in its first week at the Roxy and continues there until Friday when "Kentucky" will be offered as the holiday bill. "Dawn Patrol" will open at the Strand on the same day. Third week of "Angels with Dirty Faces" grossed an estimated $29,000.

"Artists and Models" starts Wednesday at the Paramount with Glen Gray and the Casa Loma orchestra on the stage. "Blondie" opens Thursday at the Criterion. "Mamele," a Yiddish musical, has its premiere at the Continental Saturday.

Walder, of National, Returns to London

Sir Samuel Walder, a director of National Studios, Ltd., Sydney, Australia, sailed Friday on the *Queen Mary* for England. He was here several weeks. Films are one of several industries in which he is interested.

National Studios last year made two features, prints of which Sir Samuel brought over with him. They are "The Flying Doctor" and "Wrangle River." His company will devote itself in the future to producing shorts and commercial films, as it believes that the market for Australian-made features is limited.

Dr. Herbert T. Kalmus, president of Technicolor, who also sailed, will remain a month in London, where the company has a subsidiary.

Among other passengers were Sam Bischoff, Warner producer, and his wife, who are vacationing; Solomon Sagall, managing director of Scophony, Ltd., who expects to return next month; Herbert Wilcox, British producer, and Anna Neagle.

Saxe Dies in Milwaukee

Milwaukee, Dec. 18.—Thomas E. Saxe, 65, pioneer Wisconsin exhibitor and associated in the operation of the Warner Saxe theatres, died here Friday. He had been in the theatre business here since 1899.

Universal Is Ahead Of Production; Will Meet Release Dates

Universal studio is slightly ahead of its production schedule for the 1938-'39 season and will have no difficulty either in completing the full schedule or meeting regular release dates in the immediate future, Nate J. Blumberg, president, said on his return to New York Friday from a four weeks studio visit.

Blumberg was accompanied from Chicago by W. A. Scully, general sales manager, and several of the company's division managers who gathered with the latter at the home office Friday for discussions on Universal's coming product and selling plans for it.

Important Films Coming

Some of the company's most important pictures of the year are in production now, including the Bing Crosby picture; the W. C. Fields-Edgar Bergen-Charlie McCarthy production, "You Can't Cheat an Honest Man," the Deanna Durbin picture, "Three Smart Girls Grow Up," and "Son of Frankenstein."

Universal's current production pace marks an important change-over from earlier seasons when failure to meet release dates prevented the company from fulfilling its seasonal schedules.

Matthew Fox, Universal vice president, is expected in New York from the studio early in January. He will accompany Blumberg west when the latter returns to the coast about Jan. 15.

Refugee Fund Sale Gets 100 Art Pieces

More than 100 pieces of art, including paintings, sculpture and cartoons, have been contributed for the nationwide sale of art sponsored by the Motion Picture Art Fund for German Refugees.

Among the prominent artists contributing their work are Norman Rockwell, Nat Karson, Dean Cornwall, George Petty, Max Kalish, Carl Hoff, Frank Nicolet, Abner Dean, Sam Bergman, Vargas, Seguso and S. Shimin. The sale will take place in New York on Feb. 12.

Court Asks Details In Lloyd Litigation

Judge Alfred C. Coxe in Federal district court has directed Lowell Brentano and William Jordan Rapp to submit specific allegations in their $75,000 damage suit against Harold Lloyd and Harold Lloyd Corp.

The plaintiffs charge they submitted a script to Lloyd and parts of it were used in "Professor Beware." Louis Nizer, attorney for Lloyd, asked for a bill of particulars even before the answer was filed. He argued there is complete dissimilarity between the plaintiffs' script and the picture.

Judge Coxe directed the plaintiffs to file an exact copy of all their material submitted and explain what parts are claimed to be in the picture. This is a newly adopted procedure in Federal actions and one of the first rulings under it.

Two Careers Consolidated in a 20-Year Record of Showmanship

Beginning in showbusiness in 1918, with a single nickelodeon-type motion picture theatre, J. Myer and Louis W. Schine celebrate today the completion of two decades in exhibition, with their theatre properties grown to a total of 129. In these pages *Motion Picture Daily* joins with leaders of the industry and of government, and with their business associates in tribute to their enterprise and success.

GREETINGS TO THE MOTION PICTURE INDUSTRY:

It is with extreme appreciation that we receive the many fine sentiments expressed by our friends, within and without our industry, who are according so splendid a tribute to ourselves and our organization.

We are grateful to the press, to the trade papers and particularly to Martin Quigley, all of whom have been so generous in their efforts upon this occasion. We are equally appreciative of the personal activity and interest taken by the various chairmen and committee members who have made this event possible.

There is no more fitting time than now for us to state that what success we have had during the past twenty years has largely been due to the loyalty, enthusiasm and tireless support we have received from our executives, managers and employes, of whom we feel we are justly proud.

We are very happy to be members of the motion picture fraternity because aside from the commercial aspect, this industry has the fortunate privilege of rendering a real public service.

J. Myer and Louis W. Schine

Where the Schine Circuit Began

HIPPODROME
WALTER EDWARDS
TO-DAY

The Hippodrome theatre in Gloversville, N. Y., in 1918.

The Schine brothers today—Louis W., who is president of the circuit, and J. Myer, vice-president in charge of operating the 129 theatre properties.

TRIBUTE FROM INDUSTRY AND GOVERNMENT LEADERS

By Will H. Hays
President, MPPDA

J. Myer Schine and Louis Schine have been exhibitors of motion pictures for twenty years. As we ordinarily reckon time, that isn't so long. Yet, in motion pictures it is half the life of the art-industry.

When Myer and Louis Schine first entered the business, motion pictures had hardly emerged from infancy. Today this great art-industry touches all parts of the world and has become the universal entertainment medium of the millions everywhere. This service of entertainment imposes great responsibility on us all.

Our primary obligation is to serve the public. To do this best requires collaboration, cooperation and team work between all branches of the industry.

It is a pleasure to join in extending best wishes and congratulations to Myer and Louis Schine on this twentieth anniversary.

Will H. Hays

By Herbert H. Lehman
Governor of New York

State of New York
Executive Chamber
Albany

Herbert H. Lehman
Governor

Mr. Sam Shain, Editor,
Motion Picture Daily,
Rockefeller Center,
New York, N. Y.

Dear Mr. Shain:

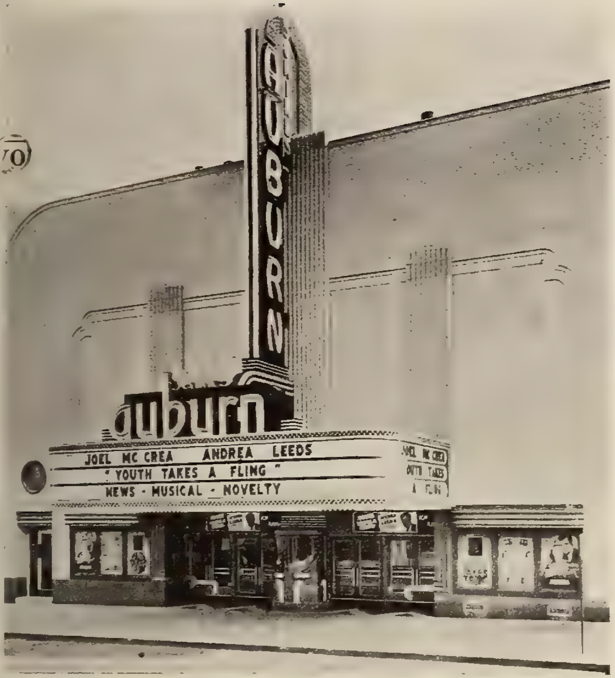
I have received an invitation from Mr. Phil Fox, Chairman of a Committee arranging a Testimonial Dinner for Messrs. J. Myer and Louis Schine, of Gloversville, who are celebrating their Twentieth Anniversary in the motion picture business.

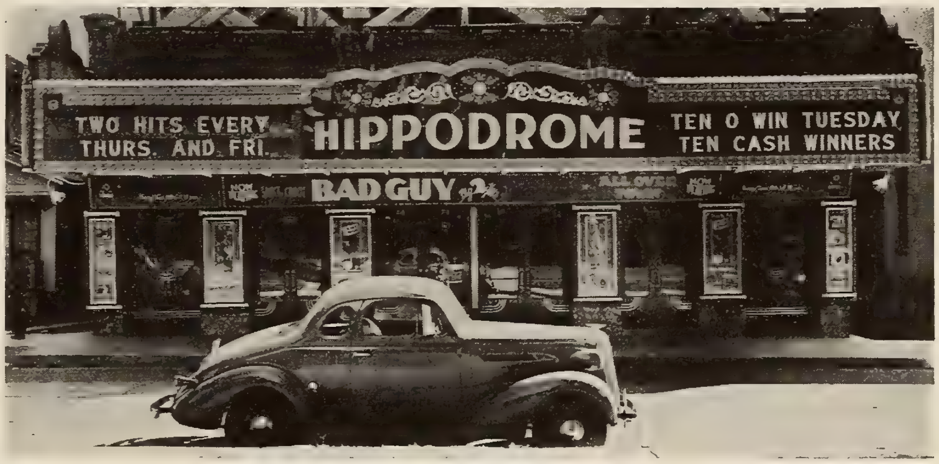
Official engagements prevent me from accepting the invitation to the dinner but I do desire to extend my congratulations to Messrs. Myer and Louis, and my best wishes for their continued success.

Very sincerely yours,

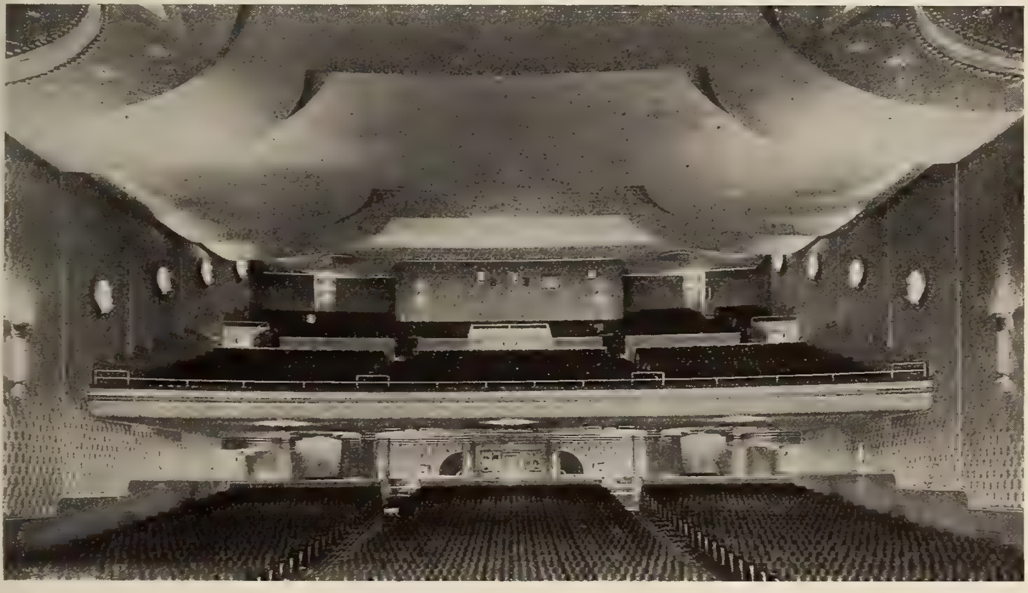
(Signed) Herbert H. Lehman

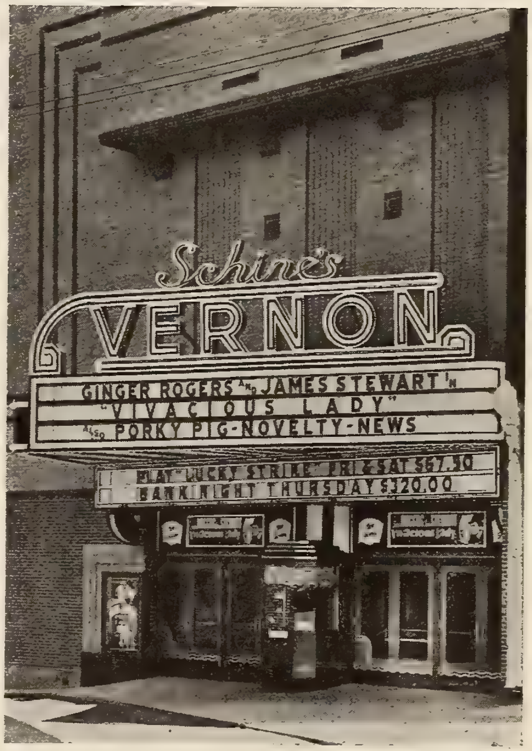
Representative Schine Theatres Today


AUBURN
auburn
JOEL MC CREA ANDREA LEEDS
"YOUTH TAKES A FLING"
NEWS · MUSICAL · NOVELTY


TWO HITS EVERY THURS. AND FRI.
HIPPODROME
TEN O WIN TUESDAY TEN CASH WINNERS
BAD GUY

Above: The Hippodrome, first Schine theatre, as it appears today, completely modernized. At left and below, front and auditorium views of the Auburn in Auburn, N. Y., newest Schine house, designed by John Eberson.

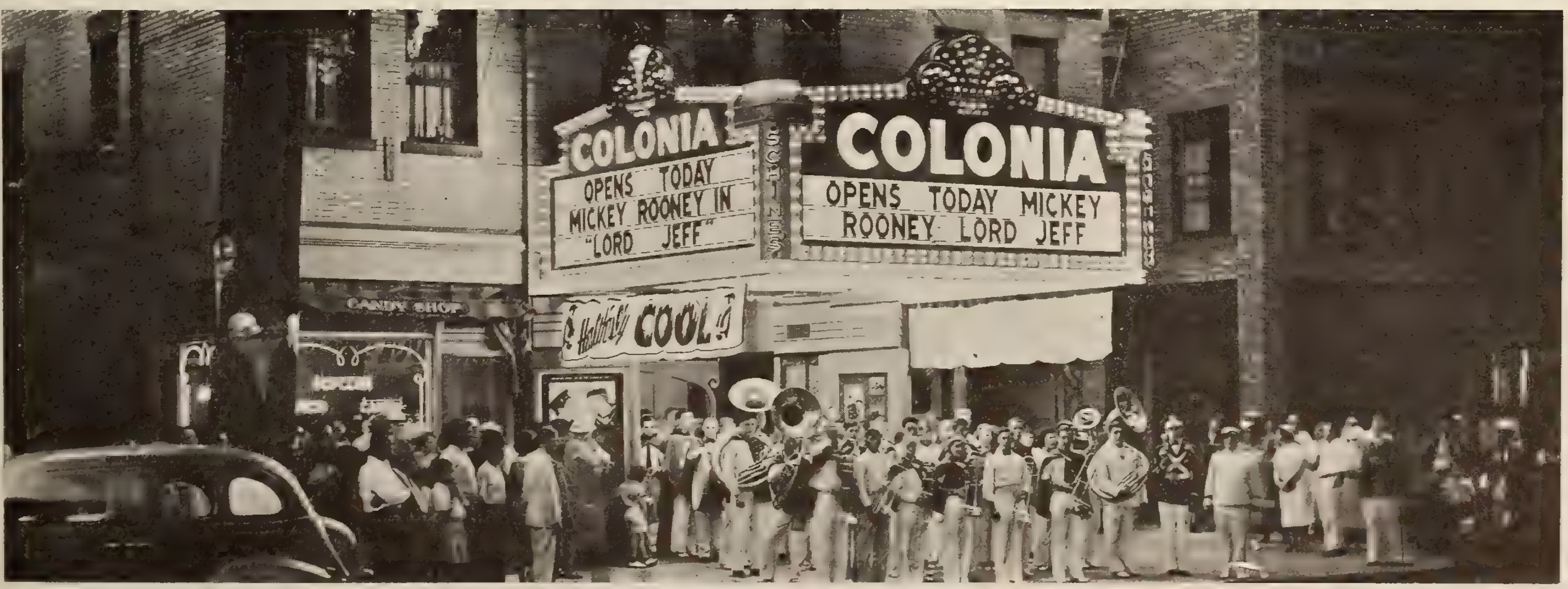


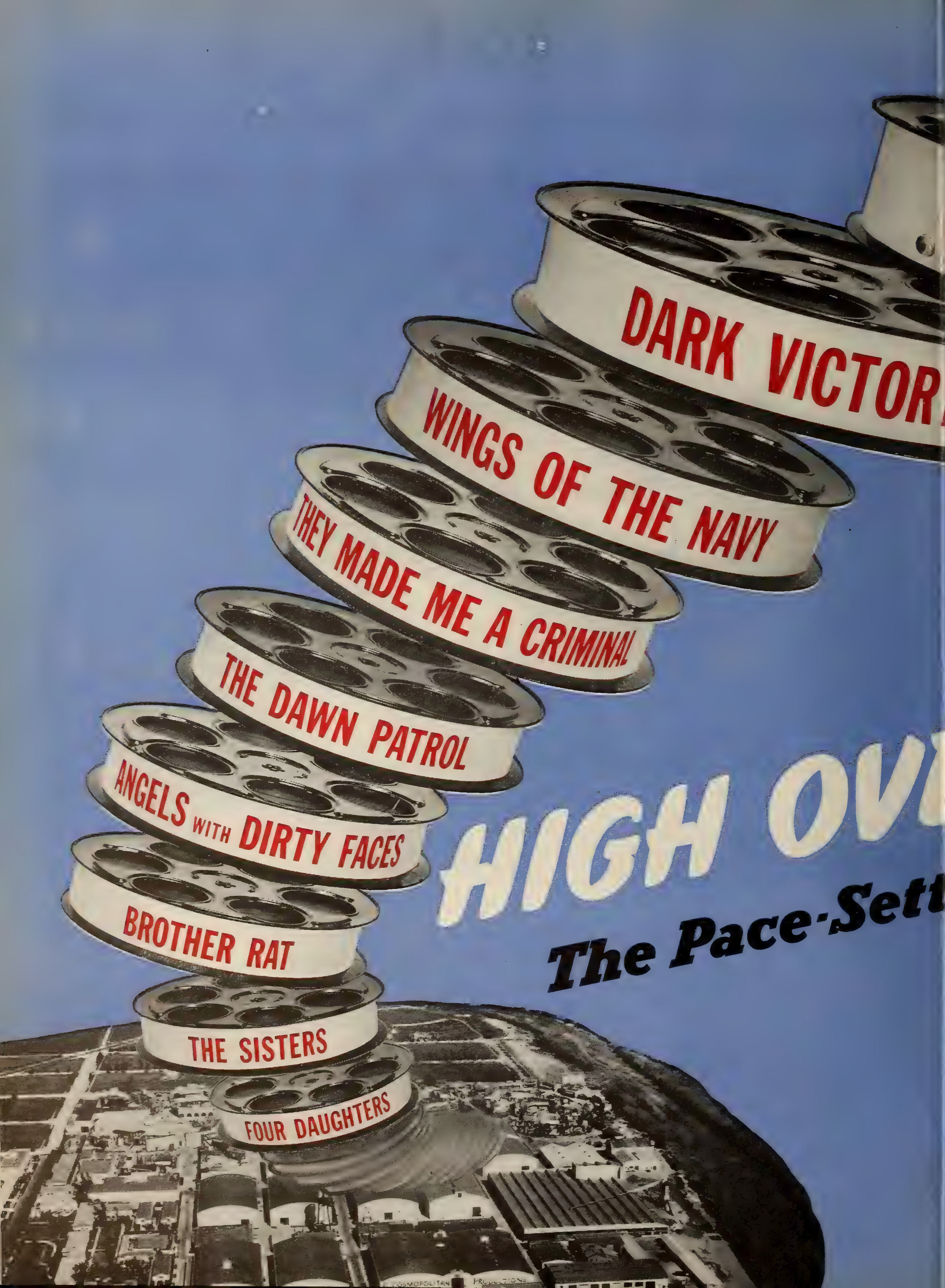

Schine's
VERNON
GINGER ROGERS AND JAMES STEWART IN
"VIVACIOUS LADY"
ALSO PORKY PIG-NOVELTY-NEWS
PLAY "LUCKY STRIKE" FRI & SAT $67.50
BANK NIGHT THURSDAY $120.00

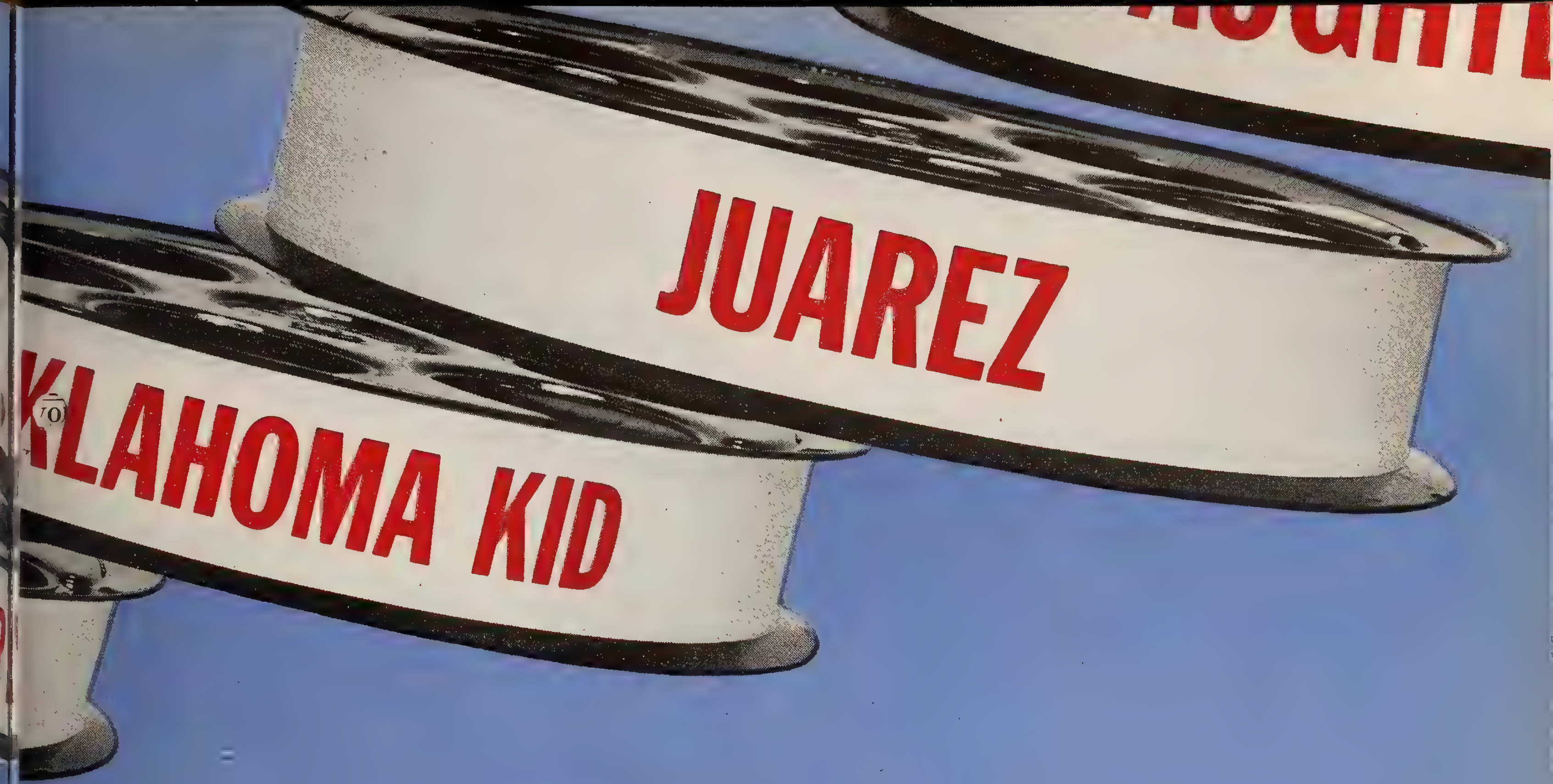
John Eberson, architect.

Vernon, Mt. Vernon, O.

Opening night in a typical Schine location—the Colonia in Norwich, N. Y.


COLONIA
OPENS TODAY MICKEY ROONEY IN "LORD JEFF"
COLONIA
OPENS TODAY MICKEY ROONEY LORD JEFF
CANDY SHOP
Healthfully COOL

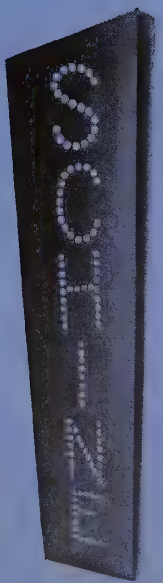

DARK VICTOR
WINGS OF THE NAVY
THEY MADE ME A CRIMINAL
THE DAWN PATROL
ANGELS WITH DIRTY FACES
BROTHER RAT
THE SISTERS
FOUR DAUGHTERS
HIGH OV
The Pace-Sett


JUAREZ
KLAHOMA KID

R THE INDUSTRY

ng Product of **Warner Bros.**

SHINING ITS
BRIGHTEST
THIS WEEK!



For the part we played throughout the twenty successful years of brilliant Schine showmanship Warner Bros. are indeed gratified.

R K O
RADIO
PICTURES
GUNGA DIN

Red-blood and gunpowder heroes . . . roaring for battle or ready for love!

starring

ARY GRANT ★ VICTOR McLAGLEN

and

OUGLAS FAIRBANKS, JR.

with

SAM JAFFE ★ EDUARDO CIANNELLI ★ JOAN FONTAINE

PANDRO S. BERMAN IN CHARGE OF PRODUCTION

PRODUCED AND DIRECTED BY GEORGE STEVENS

From a Story by BEN HECHT and CHARLES MacARTHUR

Inspired by RUDYARD KIPLING'S Poem

Screen Play by Joel Sayre and Fred Guiol

How long is it sinc

ou've had a show that really eserved a big special campaign?

Along comes RKO RADIO with a show deserving of the biggest and best you can give it! . . . A picture to back up all promises! . . . A remarkably fine production! . . . In all his career John Barrymore never gave more to a role – nor played a role that had more to take! . . . The story of a man whose single vote controlled a big election . . . a highbrow hobo in disgrace . . . laughed at by the town . . . loved loyally by his motherless kids! . . . Tell your folks to come expecting OUTSTANDING ENTERTAINMENT . . . They'll get it!

THE GREAT MAN VOTES

with

John Barrymore

Peter Holden • Virginia Weidler

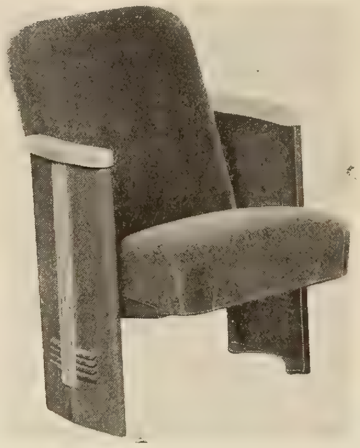
Donald MacBride • Katharine Alexander

Pandro S. Berman in Charge of Production

Directed by Garson Kanin • Produced by Cliff Reid • Screen Play by John Twist

CONGRATULATIONS
AND BEST WISHES
TO THE SCHINE CIRCUIT
ON THIS 20th ANNIVERSARY

WE ARE HAPPY AND PROUD OF THE PRIVILEGE OF ASSOCIATING WITH THE FINE PERSONNEL OF THIS STERLING ORGANIZATION



IDEAL SEATING COMPANY
GRAND RAPIDS, MICH.

BEST WISHES
to
J. MYER and LOUIS
SCHINE

ALTEC
SERVICE CORPORATION
250 West 57th Street
NEW YORK CITY

THE SERVICE ORGANIZATION
OF THE MOTION PICTURE INDUSTRY

Schine Careers Founded On Loyalty and Service

By GENE CURTIS
Advertising and Publicity Manager
Schine Theatres

From a single office in the old Hippodrome Theatre in 1918, Schine theatres have increased until their organization, today, occupies a two-story building of its own which covers half a city block. Many of the department heads now with the company have been with it almost from its start. Fifteen years ago there were only seven people on the Schine office staff. Today that staff comprises 73 men and women.

While one of the brothers was away at war, the other looked after their little business. Louis had joined the service in 1918.

McKay an Old Timer

Among the old timers was Willard S. McKay, general counsel and vice-president of the company, who has helped guide the Schine brothers through most of their trials and tribulations.

John A. May, present comptroller of the company, was one of the first to be associated with the Schines. He joined them in 1925. He was formerly connected with the Federal Reserve Bank in New York City. Florence D. Thompson, office manager, is another. She is a very important executive of the firm. David Salvious is her assistant. George V. Lynch is chief film buyer. He also grew up with the company, and is looked upon as a valuable associate. The chief booker is Louis Goldstein. His assistants are William Kraemer, Joel Golden, Harry Thompson, Ray Frisz, Bryan Dashiell, Seth Field, Richard Eason and Alan Kennedy.

Harold F. Sliter, who is assistant to Louis W. Schine, general manager in charge of operations, has been very instrumental in helping to build the organization. He joined the company in 1933. He was formerly with Paramount-Publix and later executive with the old Fox Theatres company.

College Men Preferred

Guy Selmser is in charge of construction and maintenance, another pioneer member of the Schine staff, having joined the company in 1923. Assisting Selmser is J. Dewey Lederer, who is a graduate of the Yale School of Engineering.

The personnel department is under the direction of E. Douglas Leishman, who conducts a school for theatre managers, college graduates preferred.

Schine managers are taught to be active in civic and community affairs and in Chamber of Commerce activities, in other words, to make the theatre an integral part of community life.

Nutter Statistician

Albert Nutter, who is head of the statistical department, is a Harvard graduate.

The insurance department is headed by Francis Barter. He formerly was personal secretary to Louis W. Schine. Miss Bert Luss is his assistant.

The real estate department is headed by Maurice Glockner, a former faculty member of New York University and Columbia.

Assisting Willard McKay, general counsel, are Howard Antevil, Edward M. Byrne, in the home office, Peter Klein and William H. Townsend.

In the Field

Among the more popular and better known of the Schine field executives is Gus Lampe, who operates the RKO-Schine theatres in Syracuse. Louis Lazar is another with a fine record, who joined the Schine organization in 1935 to take charge of the Ohio division, from which point he operates Schine theatres in Ohio and Kentucky. His assistant is Saul Silverman, former district manager.

In 1918—Louis, then in service, and Myer shortly before they acquired the Hippodrome.

Clint Young, district manager in central New York, is another old-timer with the company. Other district managers are William Tubbert in northern New York, and Louis Levitch in Rochester. Seymour Morris is district manager in southern New York. City manager of Auburn is Joe Schwartzwalder.

Heiss in Northern Ohio

In northern Ohio, William Heiss is district manager, having grown with the company.

In southern Ohio, the district manager is Jim Levine. He was at one time director of the Paramount-Publix managers' school, and also manager of the Globe in Gloversville. Lew Hensler, district manager in Kentucky, and Marsh Gollner, district manager in Maryland, joined the Schine circuit when the latter took over the Maryland theatres. Lee Insley joined about the same time.

Following are the theatres of the Schine Circuit:

Eastern Division

HOME OFFICE DISTRICT

Regent, Amsterdam, Harold Gates; Rialto, Amsterdam, F. K. O'Kelly; Strand, Amsterdam, Arnold Rittenberg; Empire, Glens

(*Continued on page* 19)

FLASH . . . this is New Year's Booking No. 309 on M-G-M's "SWEETHEARTS" with the total number of holiday bookings headed for an all-time industry high!

(A typical telegram is the following from John Hamrick, famed Seattle showman)

METRO-GOLDWYN-MAYER

Last night we previewed "Sweethearts" and words fail me to properly describe this breath-taking, awe-inspiring Technicolor picture. I consider it the very finest subject made with these two great stars, Jeanette MacDonald and Nelson Eddy, and entire cast is wonderful. We open it here at the Fifth Avenue day before New Year's single bill with increased admission prices during New Year's Eve celebrations and confident will break house records. Kindest regards.

—JOHN HAMRICK, FIFTH AVE. THEATRE, SEATTLE, WASH.

Our Sincere
Congratulations
TO
SCHINE BROTHERS
on your
20th Anniversary
•
Pyramid Exchange
505 PEARL ST. BUFFALO, N. Y.

SPECTRUM PICTURES MUSICAL WESTERNS

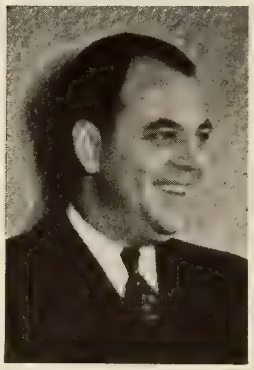
May we add
Our Congratulations
to
SCHINE BROTHERS
on your
20th Anniversary

RAMBUSCH
Designers Decorators and Craftsmen
2 West 45th St. New York City

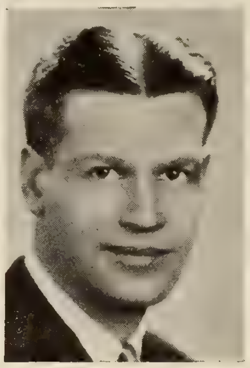
HEARTIEST CONGRATULATIONS
to
THE SCHINES
LEATHERCRAFT CORPORATION
UPHOLSTERY LEATHERS
35 East 21st Street New York, N. Y.

Schine Circuit Personnel

Some of the members of the Schine home office staff today, pictured at a recent get-together.



GEOGRE V. LYNCH
Film Buyer
Home Office



GENE CURTIS
Director
Advertising & Publicity

LEW HENSLER
District Manager
Kentucky

J. GUY SELMSER
Purchasing Agent
Maintenance Chief

MARSH GOLLNER
District Manager
Maryland

GUS LAMPE
City Manager
Syracuse

LOUIS GOLDSTEIN
Head Booker
Home Office

HAROLD SLITER
Assistant to
L. W. Schine

J. N. SCHWARTZWALDER
City Manager
Auburn

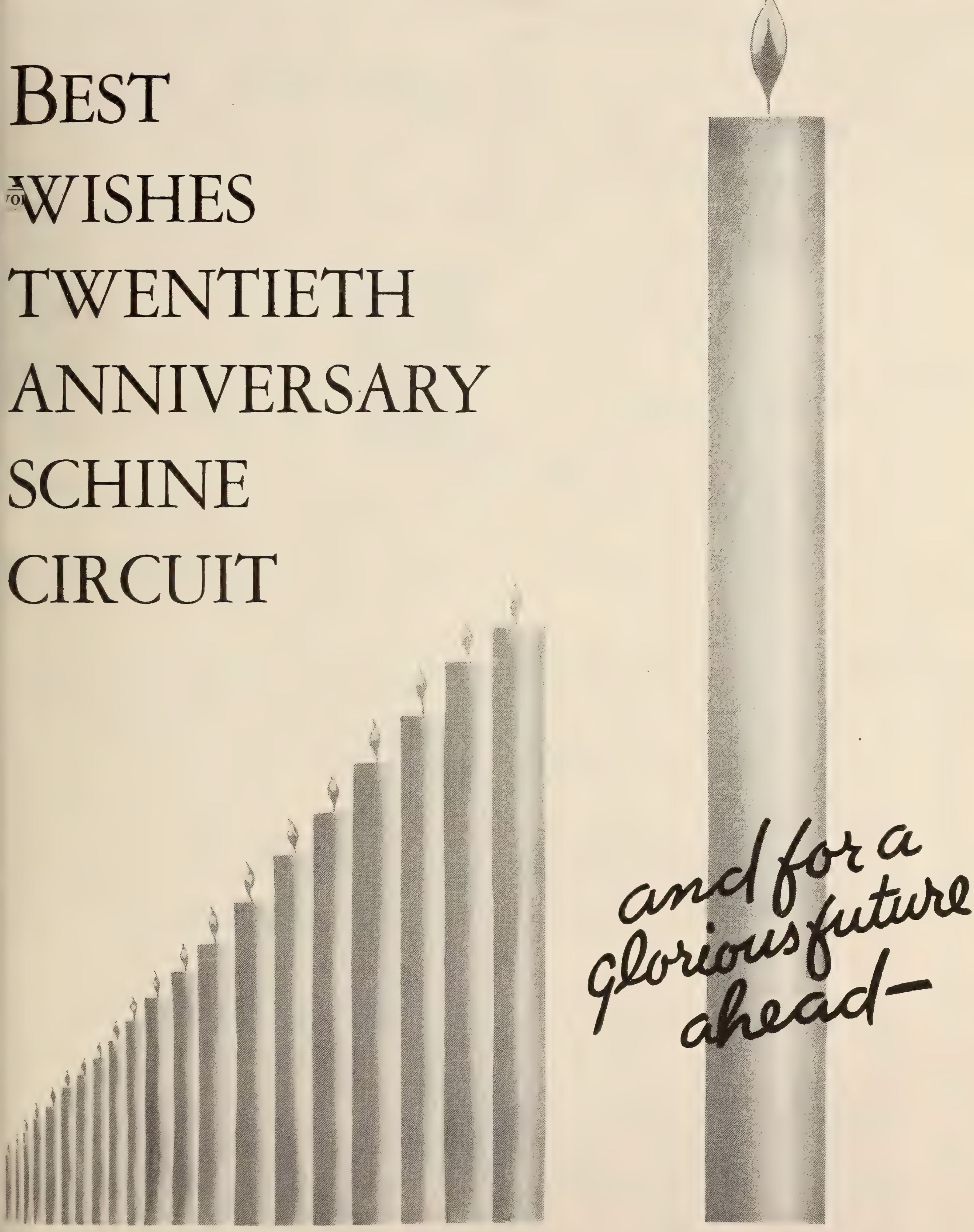
Compliments
OF
CHARLES H. KENNY
STUDIOS, INC.
Draperies
112 W. 44th St. New York City

CONGRATULATIONS
to
J. MYER SCHINE
on your
20th Anniversary
R. M. SAVINI
Astor Pictures Corporation
1501 Broadway, N. Y. C.

To
SCHINE BROS.
our Heartiest
CONGRATULATIONS
on your
20th Anniversary
•
MARAGLIOTTI STUDIOS
Mural and Decorative
Painting
15 Vanderbilt Ave. New York City

CONGRATULATIONS
TO
J. Myer & Louis M. Schine
ON YOUR
20TH ANNIVERSARY
Keller-Ansell Ticket Co., Inc.
723 - 7th Ave. N. Y. C.

BEST
WISHES
TWENTIETH
ANNIVERSARY
SCHINE
CIRCUIT


and for a glorious future ahead—

UNIVERSAL

Congratulations
and Best Wishes
May You
Enjoy Many More
"Twentieth"
Anniversaries

JACK BERKOWITZ
BERNIE MILLS
Republic Distributing Corp.

Willard McKay One of Schines' Guiding Forces

One of the chief guiding forces of the Schine Theatres organization is Willard S. McKay, general counsel and vice-president. From his initial contact with the Schine company, in 1925, he has been most closely associated with the circuit. He is among the leading lawyers of the trade.

Willard S. McKay

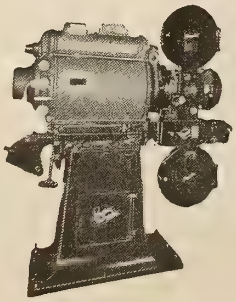
Counsellor McKay was born in Brooklyn, Aug. 21, 1895. He graduated from Yale College in 1917. His law studies at the Yale Law School were interrupted when he joined the country's air service, upon the nation's entry into war. When he returned from war, McKay finished his law course at Fordham University Law School, and was admitted to the New York Bar in 1921. He was associated with Siegfried F. Hartman, who was then general counsel for Universal. That was in 1930.

In March, 1938, McKay resigned as general counsel for Universal, but continued as special counsel and opened offices in association with Sol A. Rosenblatt and William B. Jaffe, at 630 Fifth Avenue, N. Y. C.

Congratulations
to
The Schine's Circuit
on their Twentieth Anniversary
as
Successful, Progressive Showmen

Simplex E-7 PROJECTOR

INTERNATIONAL PROJECTOR
CORPORATION



BETTER PROJECTION PAYS

88-96 GOLD STREET
NEW YORK, N. Y.

Congratulations and advice to the Schines on their 20th Anniversary

- ***Date as soon as possible Columbia's Comedy Hit!...***

MELVYN DOUGLAS · VIRGINIA BRUCE

THERE'S THAT WOMAN AGAIN

MARGARET LINDSAY · STANLEY RIDGES

Screen play by Philip G. Epstein, James Edward Grant, Ken Englund

Directed by Alexander Hall · A Columbia Picture

COLUMBIA PICTURES

Industry Leaders Pay Tribute to Schine Boys

Congratulations to J. Myer and Louis Schine have poured in from leaders of the industry throughout the country. There have not been many in the business who have been so commended. Many who should have liked to attend the dinner, because they have not been able to avail themselves of that opportunity, have wired or written their regrets. These messages indicate the esteem in which the recipients of tonight's testimonial are held by the important people of the business. These letters, addressed to J. Myer and Louis Schine, follow:

Sidney R. Kent:

"It is fitting that your twenty years in this business should be observed with a testimonial dinner. You are to be congratulated upon your long service. I wish you and your friends a most enjoyable evening."

George J. Schaefer:

"I regret exceedingly that it is impossible for me to be with you and your many friends at the celebration of your twentieth anniversary in the industry. This celebration in recognition of your place in the industry is well deserved. It would have given me very great pleasure to have been able to be with you personally, and add my voice to the tribute. My very best wishes are yours. May you continue to have great success."

Nate Blumberg:

"My heartiest congratulations on your twentieth anniversary. I can think of no finer tribute than the assembly planned for Monday night. Having been associated with you, I know that such tribute is well deserved by you both. I hope there will be many more similar occasions on which your associates will again gather together to extend felicitations. There are no finer or more honest gentlemen in our industry than you two and any tribute that we can offer fails to express adequately our respect for you as businessmen and our affection for you as fellowmen."

Samuel Goldwyn:

"I want to be one of those who join with the others of the motion picture industry in congratulating you on the twentieth anniversary of your fine service to motion pictures. It is indeed fitting that the people of this industry are holding a dinner in your honor and I only wish that I were free to be back at the Ten Eyck Hotel in Albany on the night of Dec. 19 to pay you my tribute personally. May you have many more years of service to the motion picture industry."

Jack L. Warner:

"Let me add my congratulations to the hundreds you must be receiving as you observe your twentieth anniversary in the motion picture business. In an industry which is as highly competitive as ours, twenty years is certainly a long time for any organization to successfully carry on. That record is indeed a striking tribute to

(*Continued on page* 19)

Compliments

of

SKOURAS THEATRES CORP.

NEW YORK

Congratulations to

Louis and Myer Schine

and the

Schine Theatre Organization

on their

Twentieth Anniversary

☐

Harry Berkson

MONOGRAM FILM EXCHANGES

BUFFALO - - - - ALBANY

☐

NOW AVAILABLE

JACKIE COOPER IN "GANGSTER'S BOY"

JOHN CARROLL IN "I AM A CRIMINAL"

COMING ATTRACTIONS

BORIS KARLOFF IN "MR. WONG AT HEADQUARTERS"

JACKIE COOPER IN "STREETS OF NEW YORK"

Industry Leaders Offer Tribute to Schine Brothers

(*Continued from page* 18)

its executive manpower. May your next twenty years be as successful as the past twenty. Kindest regards to you both."

Hal B. Wallis:

"It affords me a great deal of pleasure to congratulate you both on your twentieth anniversary in the film industry. Under your guidance, the Schine enterprises have definitely established themselves as one of the country's outstanding theatre operations."

William F. Rodgers:

"You are to be congratulated that so many of your business associates and friends are gathering together at this testimonial and I hope that you both will enjoy a long life and a happy one, and that all of those gathered with you will have an enjoyable evening."

J. R. Grainger:

"I know of no individuals or company that has more respect in the motion picture business than have the 'Schines'. Your reputation in the industry of fair and square dealing, and the loyalty of your employees indicates that you both are a credit to the motion picture business."

Y. Frank Freeman:

"I join with all of your other friends in extending my heartiest congratulations and best wishes."

Neil Agnew:

"Congratulations and best wishes for the future on your joint anniversaries. I hope the next twenty years are even more pleasant and prosperous than your preceding two decades in this industry which we all join with you in celebrating today."

George P. Skouras:

"I was happily surprised to learn from the invitation sent to me and the reports in the trade papers that a testimonial dinner is to be tendered to you and your brother, Louis, on Monday, Dec. 19. I take this opportunity to add my congratulations and also to express the sincere respect and admiration that I have for both of you. My business association with you only enhanced the high esteem that I already had for you. Wish you all the good luck you deserve and hoping that your 50th anniversary in the business will be even more glowing."

Barney Balaban:

"My sincerest congratulations and best wishes on your twentieth anniversary. In an industry as young as motion pictures it is gratifying to find men who had the vision and courage to enter the exhibition field in its pioneer days and who have achieved the success which this vision and courage merited."

Ned E. Depinet:

"As great as our industry has become, it would be still greater if we had more Schines. I congratulate you on this great occasion and wish you many, many more years of happiness and prosperity."

Harry L. Gold:

"Your twenty years of achievement stands as an inspiration to future generations of the motion picture industry."

Edward A. Golden:

"We in the motion picture industry are happy to pay tribute to J. Myer and Louis Schine on the occasion of their twentieth anniversary. Our congratulations and best wishes for their continued success are hereby tendered J. Myer and Louis Schine."

Schines' Career Based on Loyalty

(*Continued from page* 12)

Falls, Robert Baker; Rialto, Glens Falls, Milton Schosberg; Glove, Gloversville, Erle Wright; Hippodrome, Gloversville, Lou Hart; Liberty, Herkimer, Warren Frair; Richmond, Herkimer (closed); Strand, Hudson Falls, Herbert Levy; Opera House, Ilion (closed); Capitol, Ilion, Hy Gordon; Hippodrome, Little Falls (closed); Rialto, Little Falls, Nick Kauffman.

CLINT YOUNG, DISTRICT MANAGER—(Geneva Theatre—Geneva, N. Y.)

Babcock, Bath, Harold Lee; Playhouse, Canandaigua, W. J. MacFarlane; Fox, Corning, Leon Shafer; Palace, Corning, Harold deGraw; State, Corning (closed); Geneva, Geneva, Al Marqusee; Regent, Geneva, Floyd Shear; Temple, Geneva (closed); Hi-Art, Lockport, Ted Conklin; Palace, Lockport, Gerald Fowler; Rialto, Lockport, Ronald Failes; Capitol, Newark, Gus Depauw; Crescent, Newark (closed); Elmwood, Penn Yan, Toby Ross; Auditorium, Perry, Frank Randolph; Andrews, Salamanca, Carl Dickerson; Strand, Seneca Falls, Lee Bousquet; Seneca, Seneca Falls (closed).

WM. TUBBERT, DISTRICT MANAGER—(Avon Theatre—Watertown, N. Y.)

State, Carthage (closed); Strand, Carthage, Frank Lupien; Malone, Malone, Frank Meehan; Massena, Massena, Abe Cohen; Strand, Ogdensburg, Clint Dadson; Pontiac, Ogdensburg, Clint Dadson; Capitol, Oswego, W. M. Powers; Richardson, Oswego (closed); Strand, Oswego, W. M Powers; State, Oswego (closed); Pontiac, Saranac Lake, A. B. Anderson; State, Tupper Lake, Leon Elliott; Avon Watertown, Garson Jaffa; Olympic, Watertown, Herman Addison; Palace, Watertown, Francis Lattin.

SEYMOUR MORRIS—DISTRICT MANAGER—(State Theatre—Cortland, N. Y.)

State, Cortland, Seymour Morris; Temple, Cortland, David Goodman; State, Hamilton, Fred Helwig; Colonia, Norwich, Francis Gere; Oneonta, Oneonta, Harry Rose; Palace, Oneonta, Tom Whalen; Strand, Oneonta (closed).

J. N. SCHWARTZWALDER—CITY MANAGER — AUBURN — (Auburn Theatre, Auburn, N. Y.)

Jefferson, Auburn, Ray Corcoran; Auburn, Auburn, Jos. Deacon; Palace, Auburn, Geo. Cameron; Strand, Auburn (closed).

LOUIS LEVITCH—DISTRICT MANAGER—(Riviera Theatre—Rochester, N. Y.)

Granada, Buffalo, Harry Goldsmith; Riverside, Buffalo, Harry Yette; Cameo, Rochester, Jacob Weber; Dixie, Rochester, Joseph Goldberg; Grand, Rochester, Raphael Ferrigno; Lake, Rochester, Lee Stern; Liberty, Rochester, Sol Shafer; Riviera, Rochester, Edmund C. Brandhorst; State, Rochester, Sam Shafer.

MARSH GOLLNER — DISTRICT MANAGER — (Arcade Theatre, Salisbury, Md.)

Arcade, Cambridge, J. Bryan Dashiell; Grand, Cambridge (closed); State, Cambridge, Harold Hefner; Music Hall, Easton, Chas. Howard; Avalon, Easton, Chas. Howard; Federal, Federalsburg, Tom O'Brien; Hurlock, Hurlock, Edw. Elliott; Arcade, Salisbury, Marsh Gollner.

RKO-Schine Syracuse Theatres

GUS LAMPE—CITY MANAGER—SYRACUSE—(Keith Theatre—Syracuse, N. Y.)

Eckel, Syracuse, Harold Raives; Keith, Syracuse, Harry Unterfort; Paramount, Syracuse, David Freeman; Strand, Syracuse, Walter League.

Schine Benton Theatres

Capitol, Ballston Spa., Miss Ryan; State, Mechanicville, J. P. Malone; Capitol, Whitehall, Harold Loomis.

Ohio-Kentucky Division

Louis Lazar—Division Manager
S. Silverman—Assistant to Mr. Lazar

BILL HEISS — DISTRICT MANAGER — (Vernon Theatre—Mt. Vernon, Ohio)

Ohio, Ashland (closed); Opera House, Ashland, W. S. Eckard; Palace, Ashland, W. S. Eckard; Star, Delaware, John Manuel; Strand, Delaware, John Manuel; Kent, Kent, Ed. Kidwell; Opera House, Kent (closed); Princess, Medina, Ben Yudelvitz; Vernon, Mt. Vernon, Jim Platt; Vine, Mt. Vernon, Jim Platt; Ravenna, Ravenna, Harold Garfield; Ohio, Ravenna (closed); Opera House, Wooster (closed); Wooster, Wooster, Ed Mott; Wayne, Wooster, Ed Mott.

JIM LEVINE—DISTRICT MANAGER—(Forum Theatre—Norwalk, Ohio)

Athena, Athens, Frank Nolan; Ohio, Athens, Frank Nolan; Court, Athens (closed); Opera House, Bellefontaine (closed); Strand, Bellefontaine (closed); Holland, Bellefontaine, Larry O'Neil; Bucyrus, Bucyrus, Milton Bryer; Southern, Bucyrus, Milton Bryer; Civic, Fostoria, Ural Buck; Roxy, Fostoria (closed); State, Fostoria, Ted Barker; Forum, Norwalk, Bill Selman; Moose, Norwalk, Bill Selman; Bijou, Piqua (closed); Miami, Piqua, Bob Anthony; Piqua, Piqua, Bob Anthony; Castamba, Shelby, H. D. Shreffler, Grand, Tiffin (closed); Ritz, Tiffin, D. W. Britton; Tiffin, Tiffin, D. W. Britton; Strand, Van Wert, Geo. Bannan; Van Wert, Van Wert, Geo. Bannan.

LEW HENSLER—DISTRICT MANAGER—(Ben Ali Theatre—Lexington, Ky.)

Ben Ali, Lexington, Geo. L. Hensler; Kentucky, Lexington, Wally Allen; State, Lexington, Harold Koren; Strand, Lexington, Harry D. Stearn; Russell, Maysville, Ed. May; Madison, Richmond, Fred Williams; State, Richmond, Fred Williams; Bourbon, Paris, John Makemson; Hippodrome, Corbin, Louis Merenbloom; Kentucky, Corbin, Louis Merenbloom.

OUR SINCERE
CONGRATULATIONS
TO
SCHINE BROTHERS
ON YOUR
20th ANNIVERSARY
•
FABIAN THEATRES CORPORATION

4th MONTH
FIRST RUN—NEW YORK CITY*
6 WEEKS—PHILADELPHIA
5 WEEKS—WASHINGTON
6 WEEKS—LOS ANGELES*
6 WEEKS—SAN FRANCISCO*
*Runs still continuing.

GRAND ILLUSION

FIRST RUN and ROAD SHOW ENGAGEMENTS
BOOKED DIRECT FROM
WORLD PICTURES CORP.
729 Seventh Avenue, New York City
Cable Address: WORLDFILM
Foreign Territories Available

Our Hats off to the Schines!

In congratulating the Schines on their Twentieth Anniversary we pay public tribute to their square business dealings... their sincerity... their modesty and their fine characters.

National Screen Service

baby of the Industry!

National Screen Accessories ...the magic touch of showmansh

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE
DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 44. NO. 120 NEW YORK, TUESDAY, DECEMBER 20, 1938 TEN CENTS

MGM's 1938-9 Contracts Hit 9,300 to Date

Increase of 1,100 Over Last Year Noted

M-G-M's sales to date total 9,300 exhibition contracts, about 1,100 more than last year at this time.

Every large circuit has already been closed. The Golden State circuit in San Francisco was signed by William F. Rodgers, general sales manager, and E. M. Saunders, western sales manager, on the trip to the coast from which they returned yesterday.

Rodgers also visited the studio, but said that no 1939-40 plans have been discussed. It is probable, however, that M-G-M's sales meetings will be held earlier next year.

U. A. Owners' Meet Jan. 12; May Elect

Annual meeting of United Artists stockholders has been set for Jan. 12 in Hollywood. All five owners, Mary Pickford, Samuel Goldwyn, Alexander Korda, Douglas Fairbanks and Charles Chaplin, will attend. There is a possibility that Maurice Silverstone will be elected president of the company at the meeting, although the step is regarded as unnecessary for administrative purposes inasmuch as Silverstone already has been given the executive authority equivalent to the title.

United Artists board members held a routine meeting over the weekend with no action taken on important matters due to the absence of Mary Pickford from the city and the need for an early adjournment to permit

(*Continued on page 4*)

Industry Honors Schines at Albany

ALBANY, Dec. 19.—About 500 industry personalities were on hand at the Ten Eyck Hotel here tonight to honor J. Myer Schine and Louis W. Schine on their 20th anniversary in the industry.

Harry Hirshfield served as toastmaster. Among the speakers were William Scully, H. J. Yates, Sr., Jack

(*Continued on page 4*)

Radio—Page 8

Ignore Nazi Protest

Hollywood, Dec. 19.—Warners are proceeding with preparations on "Confessions of a Nazi Spy," despite protest by Dr. George Gyssling, German consul at Los Angeles. Gyssling protested to Warners and the Hays office. with the warning that "there may be trouble ahead" if the picture is made.

The Hays office said the consul's letter had been acknowledged without comment.

To Meet Here on Studio Basic Pact

Company heads and presidents of the international unions which are signatories of the studio basic agreement will meet here with Pat Casey, producers' labor representative, shortly after the first of the year to determine whether or not the basic agreement will have to be revised to comply with the Federal Wages and Hours Law. The agreement provides for a work week in excess of the 44-hour Federal maximum in the case of several of the unions. Some opinion holds, however, that such contractual agreements which are the result of approved negotiations are not affected by the law.

Casey arrives in New York today from the coast where he recently completed with production heads arrangements for the progressive establishment of a 44-hour studio week for all workers engaged in production except those specifically exempted from the Federal act and those covered by the

(*Continued on page 4*)

Kent Off to Europe Soon for Survey of 20th-Fox Interests

Sidney R. Kent, 20th Century-Fox president, plans a visit to London and the Continent in the near future for conferences on the company's European operaitons, he said yesterday on his return from the coast. No date for his departure has been set yet.

Kent attended the company's sales meeting in Los Angeles last week and discussed new product plans with Darryl F. Zanuck. He said, however, that any statement on 20th-Fox's new season product plans would be "premature" now. He also declined to comment on the rejection of the tentative draft of the distributors' trade practice program by several exhibitor organizations during the past week.

Charles E. McCarthy, advertising and publicity director; Division Managers William Sussman, W. C. Gehring and W. J. Kupper and others from the home office also returned yesterday from the coast conferences.

Herman Wobber, general sales manager, will remain on the coast until after the holidays. Jack Sichelman, assistant to Wobber, is due back next Monday.

Loew Minority Suit Due to End Tomorrow

End of the minority stockholders' suit against Loew's, Inc., is expected tomorrow in the N. Y. Supreme Court. Cross examination of Nicholas M. Schenck was completed yesterday. Eugene Leake, of Beekman, Bogue, Leake, Stephens & Black, a former

(*Continued on page 4*)

Luncheon for Bernie Brings $125,000 to Charity Drive

Approximately $125,000 was donated to the Amusement Division of the Federation for the Support of Jewish Philanthropic Societies of N. Y. at the testimonial luncheon to Ben Bernie at the Astor yesterday. The donations sent the Amusement Division of the drive past the half-way mark in the raising of its $225,000 quota.

About 1,000 persons from all branches of the amusement industry attended the luncheon, which was sponsored by Eddie Cantor. The latter, acting as toastmaster, marvelled that Bernie could attract such a turnout "in mid-day during the week before Christmas—when business is no good anywhere." Bernie responded that it was the first time in his career he had had the role of a "decoy." He then urged the worthiness of the cause, pointing out that the Amusement Division's quota, for all the traditional generosity of its people, was but a small part of the federated Jewish charities' goal of $6,250,000 for its 116 separate non-sectarian institutions in Greater New York which will be aided by the drive.

Cantor made public the names of some of the donors and the amounts contributed at the luncheon. Among them were William S. Paley, $15,000; National Screen Service, $9,500; Albert Warner, $7,000; Al Jolson, $5,000; David Bernstein, $7,500; RKO, $5,500; Eddie Cantor, $3,250; Irving Berlin, $3,000; Ben Bernie, $2,000; Jack Cohn, $2,500; Music

(*Continued on page 4*)

Local Practice Agreements to Be Negotiated

Will Be Supplemental to National Pact

Local agreements will be negotiated with exhibitors apart from the national trade practice program, and these are expected to meet many of the objections which have been raised by exhibitor groups after studying the first draft of the proposed program formulated by the distributors' committee.

The committee emphasizes that the draft contains only tentative terms, and that many local problems could not be handled in a national program.

Much will be left to local agreements, as it is generally conceded that there are different problems applying to each territory which call for individual handling. The solutions may also be found through local conciliation or arbitration boards, where problems are amenable to such procedure.

No additional meetings have as yet been scheduled with the exhibitors and further procedure in negotiating a completed program has not been determined. W. F. Rodgers and S. R. Kent, members of the distributors'

(*Continued on page 4*)

Exhibitor Drive Quiz Lacked Authorization

An elaborate questionnaire which was sent out to exhibitors inquiring into various details in connection with their business promises to add complications to the closing days of the Greatest Year Campaign Committee.

Inquiry reveals that the questionnaire was not officially authorized, but was a scheme conceived by Harold B. Franklin and dispatched broadcast from the committee headquarters.

Various company executives were surprised to learn that the questionnaire sought information concerning competitive data such as product played, newsreels shown, box-office value of stars, condition of business during past three months, etc.

On account of the scheme having lacked official approval and because of the character of various of the questions asked the replies received are to be impounded.

Discussion of future activities of the committee, including the question of Franklin's connection with it, have been awaiting the return from Hollywood of George J. Schaefer. Schaefer returned to his New York office yesterday.

◂ Purely Personal ▸

STEVE HANAGAN has been appointed to handle publicity for the defendants in the Government anti-trust suit. The appointment was made on the recommendation of COL. WILLIAM DONOVAN of Donovan, Leisure, Newton & Lombard.

•

FRANK DONOVAN, Pathe production manager, has left for Quebec to arrange for two shorts on winter sports. Joe Walsh, Pathe sports editor, is in Pinehurst, N. C., on an archery short.

•

MARC LACHMANN, 20th Century-Fox exploitation manager, is the father of a 6½-pound boy, born Saturday at Hollywood Hospital to MRS. LACHMANN. The son has been named CORNELL.

•

ELSA LANCHESTER, who plays opposite her husband, CHARLES LAUGHTON, in "The Beachcomber," will attend the premiere at the Rivoli on Christmas Eve.

•

HARRY SEED, Pittsburgh branch manager for Warners, arrived here yesterday for conferences with ROY HAINES, Eastern and Canadian sales manager.

•

TAY GARNETT, who has been in New York on vacation since he finished directing "Trade Winds," has returned to the coast.

•

M. N. GRASSGREEN, 20th Century-Fox Albany branch manager, celebrated his birthday at the branch Christmas party.

•

MARIAN BALDWIN, coast press representative, is in New York from Hollywood for a visit of several weeks.

•

MONTAGUE MARKS of Fairbanks International, and GABRIEL PASCAL, producer, have left for the coast.

•

ROBERT GILLHAM, Paramount advertising and publicity director, has returned from a studio visit.

•

GEORGE J. SCHAEFER, RKO chief executive, returned to New York yesterday from a studio visit.

•

JOSEPH MOSKOWITZ has returned to New York from a visit at the 20th Century-Fox studio.

•

J. CHEEVER COWDIN, Universal board chairman, is expected back from a coast trip today.

•

CHARLES MOSS and his bride have returned from their Florida honeymoon.

•

TYREE DILLARD, Loew attorney, may spend the holidays in Greensboro, N. C.

•

ROBERT W. PERKINS, Warners' counsel, has returned from the south.

•

MARY PICKFORD has returned to New York from a brief coast visit.

Insiders' Outlook

RKO theatre companies will pay a Christmas bonus to lower salaried employes. The same procedure was followed in other years.

A bonus fund of $2,000 will be divided by 30 employes of Cinecolor's Hollywood office, shares being based on the number of years each has been in the company's employ and the amount of the individual's weekly pay.

▼ ▼

Agfa Ansco will distribute $125,000 to about 2,600 employes as an annual Christmas bonus this week. Payments will be made to all employes who have been with the company prior to last July 1 and will be apportioned on a basis corresponding with the individual's length of service. Maximum payments will be two weeks' salary to those in the company's employ for 10 years or longer.

▼ ▼

Audience health protection in connection with motion pictures is the purpose of a plan proposed in the City Council of Milwaukee. A committee of five has been appointed to study the situation. The study was recommended by the Public Utilities and Health Committee of the City Council.

Alderman Samuel Soref sponsored the measure. Presumably remedial legislation would be sought, depending upon what the study reveals. In opposition to Soref there is Frank B. Metcalfe, chairman of the city's Film Commission, who is skeptical of the motive and purposes behind the Soref measure, and not at all sure about what benefit the proposed committee's study would be to the public. However, Metcalfe is willing to see the effort undertaken.

▼ ▼

Niles Trammell, executive vice-president of NBC, in an address before the Omaha Advertising Club, credited radio broadcasting with raising the American standard of living. Trammell gave radio credit for helping to lower prices by increasing sales. His reasons for the success of a radio station is one which adheres strictly to good taste in program presentation, and maintains a neutral attitude on controversial public questions.

▼ ▼

In Terre Haute, believe it or not, in answer to the Fourth Avenue Amusement Company's advertising on the "Frankenstein" and "Dracula" horror double, a near-riot followed. Some windows were smashed, traffic was blocked near the American Theatre, and a police squad had to be dispatched to the scene. Several women fainted, necessitating the utilization of several ambulances. And that's according to M. P. Daily's own correspondent, M. P. Debney.

▼ ▼

Industry lawyers have their eyes on North Dakota and the U. S. Supreme Court, awaiting that court's decision on the N. D. divorcement statute. That court's decision, one way or another, may have far-reaching effect on the attitude of these men regarding the industry's future action in relation to pending U. S. anti-trust suits.

▼ ▼

Station XEPN, in Piedras Negras, Mexico, opposite Eagle Pass, Texas, was damaged to the extent of $150,000 in a dynamite blast. There has been a dispute over ownership of the station, and factions had been besieging the station for several days.

▼ ▼

A resolution urging appointment of a Catholic woman on every theatre censor board and library board of every city in the diocese of Seattle was passed in that city by the executive board of the Diocesan Council of Catholic Women. Twenty thousand women in Seattle and neighboring towns are members of the council, whose president is the Most Rev. Gerald Shaughnessy, bishop of Seattle.

▼ ▼

Gov. Herbert H. Lehman is an ardent film fan, as was his predecessor, Franklin D. Roosevelt. Whenever Gov. Lehman desires to see a picture, one of the companies along Albany's Film Row obliges by arranging a private screening at the Capitol where the Roosevelt screen and equipment are still in use.

▼ ▼

Russell Birdwell addresses film editors with the brief reminder that, in compilation of "best" pictures of 1938, they should bear in mind that Selznick International during the year released "The Adventures of Tom Sawyer" and "The Young in Heart."

"Kentucky" in Louisville

World premiere of "Kentucky" will be held by 20th Century-Fox at the Rialto, Louisville, tomorrow. Roger Ferri, editor of the *Dynamo*, company publication, is there covering it.

Loew Renews N. H. Lease

NEW HAVEN, Dec. 19.—Loew's have renewed their lease of the 2,000-seat Palace for 10 years. It is reported extensive remodeling will be undertaken.

Canadian ITA Seeks "B" Clearance Cut To High of 56 Days

TORONTO, Dec. 19.—The Independent Theatres Association of Canada, of which Harry Firestone of Toronto is president, has made a formal request to the Canadian Clearance Committee for a general shaving down of protection on "B" pictures in Tor[illegible] and other key cities so that the maximum of protection will be 56 days after their performance at downtown first run theatres. In actual practice the independents claim that the neighborhood theatres do not get a chance with bookings until six months after first local exhibition.

First Runs Get 28 Days

At present the first run houses in Toronto are given 28 days' protection over key theatres in each of eight zones throughout the city which, according to the association, are all circuit theatres as well. Next in line for bookings is another series of circuit houses which wait from 14 to 28 days, after which the independent community theatres come in.

According to Firestone, however, current releases are not available to independent owners for months because the prints are booked into out-of-town theatres, also circuit first run situations, so that it is often six months before Toronto independents are able to get dates. Objection also is raised against over-buying of features by the circuits, against which the penalty of loss of priority is not imposed because of delayed bookings.

Clearance on "B" pictures was voluntarily halved by the circuits for the period of the Movie Quiz Contest which will terminate Dec. 31, and the independents are asking for a similar policy on a permanent basis starting in January, pointing out that many of the smaller theatres have yet to play a quiz picture even with the booking concession on "B" pictures. The I. T. A. also has recommended that Canadian distributors obtain more prints of features so that bookings in large centers can keep step with clearance schedules.

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco. New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver editor. *Chicago:* 624 S. Michigan Ave., C. B O'Neill, manager. *London:* 4 Golden Square W. 1: cable address, Quigpubco, London: Hope Williams, manager.

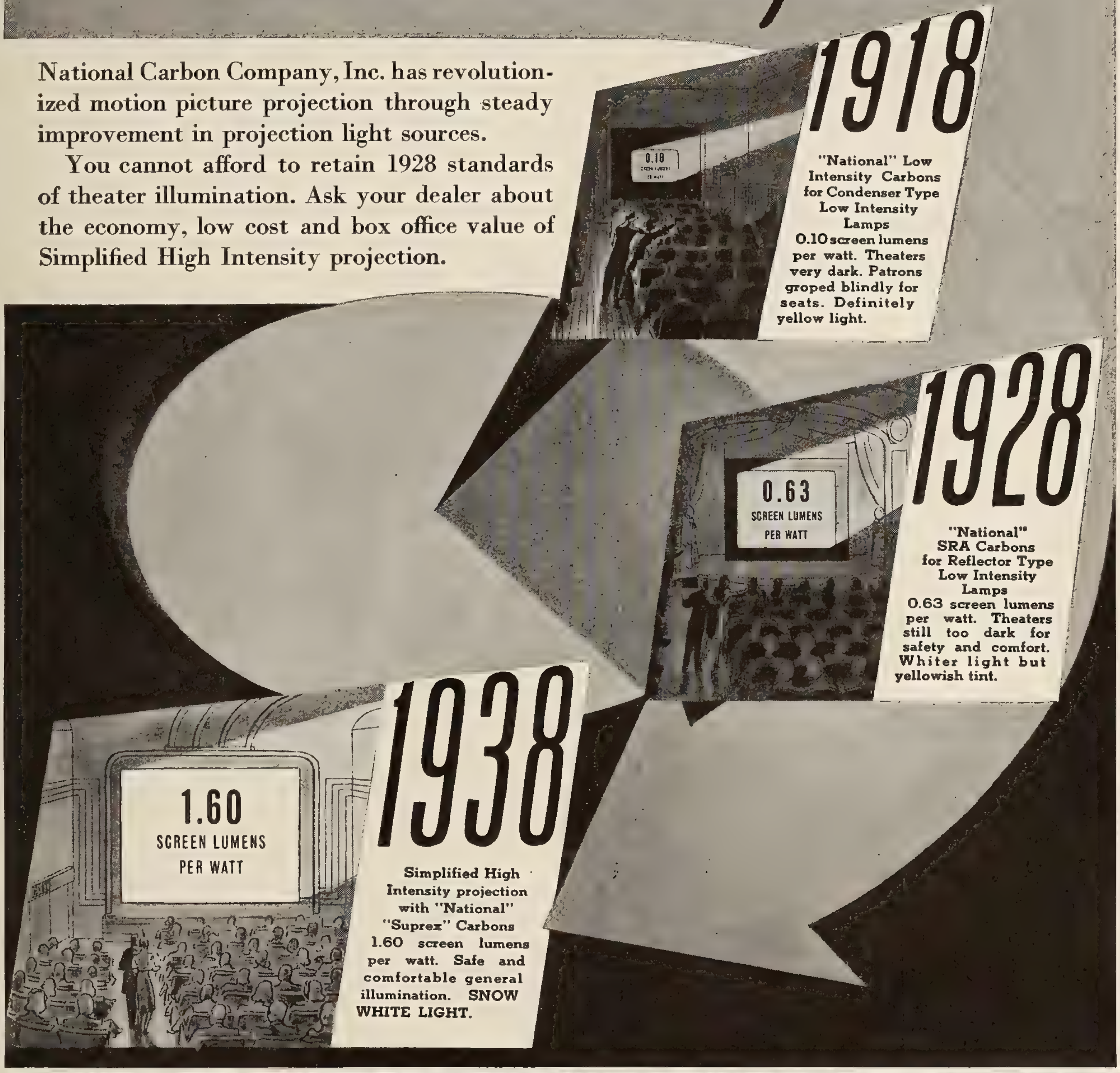
Entered as second class matter Sept. 23. 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

A REVOLUTION
— in Theater Projection

National Carbon Company, Inc. has revolutionized motion picture projection through steady improvement in projection light sources.

You cannot afford to retain 1928 standards of theater illumination. Ask your dealer about the economy, low cost and box office value of Simplified High Intensity projection.



1918

"National" Low Intensity Carbons for Condenser Type Low Intensity Lamps
0.10 screen lumens per watt. Theaters very dark. Patrons groped blindly for seats. Definitely yellow light.

1928

"National" SRA Carbons for Reflector Type Low Intensity Lamps
0.63 screen lumens per watt. Theaters still too dark for safety and comfort. Whiter light but yellowish tint.

1938

Simplified High Intensity projection with "National" "Suprex" Carbons
1.60 screen lumens per watt. Safe and comfortable general illumination. SNOW WHITE LIGHT.

SIMPLIFIED
High Intensity
PROJECTION

WITH "NATIONAL" "SUPREX" CARBONS ECONOMICAL AND MODERN

NATIONAL CARBON COMPANY, INC.
Unit of Union Carbide UCC and Carbon Corporation
CARBON SALES DIVISION, CLEVELAND, OHIO
General Offices: 30 East 42nd Street, New York, N. Y.
BRANCH SALES OFFICES: NEW YORK PITTSBURGH CHICAGO SAN FRANCISCO

Copyrighted 1938—National Carbon Company, Inc.

Bernie Luncheon Garners $125,000

(Continued from page 1)

Publishers' Ass'n, $2,500; Walter Reade, $2,250; I. J. Fox, $2,200; Milton C. Weisman, $2,000; Frisch & Rinzler, $2,000; Jules Brulatour, $1,500; Abe Lastfogel, $1,250; Leo Brecher, $1,012.

Also, Louis Bernstein, $1,000; Jack Robbins, $1,000; Leo Feist. $1,000; Richard Rogers, $1,000; Sam Morris, $1,000; Sam and Arthur Lyons, $1,000; Spyros Skouras, $1,000; Barney Balaban, $1,000; C. C. Moskowitz, $1,000; Ed Levine, $1,000; Nate Spingold, $1,000; John Golden, $1,000; Phil Baker, $1,000.

Also, the Picker Family (Loew's), $750; Si Fabian, $500; Abe Montague, $550; Abe Schneider, $500: William Morris, Jr., $500; Roy Norr, $500; *Variety*, $500; Nate J. Blumberg, $500; Sam Berman, $500; Joseph Bernhardt, $500; Joe Vogel, $500; Hal Horne, $500; Olsen & Johnson, $500; Jack Skirball, $400; Louis Nizer, $350; Jack Pearl, $250; Marvin Schenck, $250; Sam Sax, $200; Ned E. Depinet, $200; "Ham" Fisher, $200; Oscar Doob, $200; Louis Sobol, $100; Norma Terriss, $100; Charles Sonin, $100; Howard Dietz, $100; Dave Apollon, $100; Sam Briskin, $100; Harry Bernstein, $150; Budd Rogers, $100; Lou Holtz, $100; Vincent Lopez, $100; Harry Salter, $100; Arthur Price, $100, and William Murray, $100.

At the dais with Cantor and Bernie were Will H. Hays, Maurice Silverstone, Frank Gillmore, Harry Brandt, Fred Stone, John Golden, Phil Baker, Jack Cohn, Max Gordon, Felix Warburg and Raymond Massey.

Industry Honors Schines At Albany

(Continued from page 1)

Cohn, Ned E. Depinet, Jules Levy, T. J. Connors, Milt Kusell, Herman Robbins, Edward A. Golden, Willard McKay and Louis Nizer.

Phil Fox, Columbia branch manager, who was chairman of the arrangements committee for the event, and Bernard Kranze of the Schine Circuit were additional speakers. Rabbi Freedman of Gloversville, Schine headquarters, pronounced benediction at the opening of the affair. Entertainment arranged by Lou Goldberg followed the dinner.

A late ending kept most of the New York delegation here overnight.

U. A. Closes Two Deals

Deals covering all United Artists product for the current season have been closed by L. J. Schlaifer, U. A. western sales manager, with Minnesota Amusement Co. and United Detroit Theatres (Paramount). The deals cover first and subsequent runs of both circuits.

Confers on British Plans

Hollywood, Dec. 19.—Robert Ritchie, executive of M-G-M's British studio, arrived today from New York for several weeks of discussion on production plans with Louis B. Mayer.

Murphy Is President Of American Record

Adrian Murphy was named temporary president of American Record Corp. yesterday by CBS, which purchased the corporation on Saturday from Consolidated Film Industries, Inc., for $700,000. Other officers named, also on a temporary basis, were Frank K. White, treasurer, C. C. Boydston, assistant treasurer, and Ralph F. Colin, secretary.

The purchase included the subsidiaries, Columbia Phonograph Co., Inc., Brunswick Record Corp., American Record Corp. of California, Master Records, Inc., and several inactive companies. Columbia Phonograph was the parent company of CBS some years ago. Of the stock acquired by CBS, 20 per cent will be held by a minority group with an option to CBS to re-purchase.

Appeal Is Dismissed In Lipman RKO Suit

"Ideas cannot be copyrighted, but sequence of events can," the U. S. Circuit Court of Appeals ruled yesterday. However, a judgment dismissing the appeal of Clara Lipman and the estate of Samuel Lipman from a dismissal of their suit against RKO was affirmed.

The authors claimed an infringement of their play, "Depends on the Woman" in the RKO picture, "I Dream Too Much." The court ruled that the more varied the sequence, the less likely it was that a court would find an infringement.

Principal Lays Off Snell, Four Others

Hollywood, Dec. 19.—Paul Snell, Principal Productions publicity director, and five other studio employes were laid off today for two months. Slackening of Sol Lesser's production schedule caused the layoff.

Snell will become Pacific coast representative of Steve Hannagan and will return to Principal the latter part of February on a picture-to-picture basis.

Asher Sailing Dec. 30 For Columbia Confab

London, Dec. 19.—Irving Asher, head of production in England for Columbia, will sail for the United States on Dec. 30, bringing with him a print of "Q Planes," which Columbia will release throughout the world.

Holloway De Lapp Aide

Hollywood, Dec. 19.—Bert Holloway has been made assistant to Terry De Lapp, Paramount studio publicity head, and other members of the department have been given new assignments to increase the efficiency of the department. The rearrangement eliminates an earlier plan for bringing Al Wilkie from the home office to head the department here. No resignations are involved in the changes.

Selznick Casting "Wind"

Hollywood, Dec. 19.—Oscar Polk, colored actor who played the role of Gabriel in "Green Pastures" was given the role of Port in "Gone With the Wind" at the Selznick International studio today.

Local Trade Pacts Will Be Negotiated

(Continued from page 1)

committee, returned yesterday from the coast after an absence of more than a week.

It had been explained to the exhibitor committees that the first draft they were to receive would be only tentative and would be subject to further discussions and negotiation.

The draft represents the viewpoints of the eight major company sales departments and their counsel, formulated on the basis of exhibitor proposals in the negotiating meetings held over a period of weeks. The draft represents an effort to coordinate the divergent viewpoints between the companies as well as an attempt to reconcile these viewpoints with the different opinions expressed by the committees negotiating for Allied, M.P.T.O.A. and the seven unaffiliated units.

Loew Suit Is Due to Wind Up Tomorrow

(Continued from page 1)

member of the board of Film Securities, Inc., and H. M. Bardt, vice-president of the Bank of America, also testified on behalf of the company.

Bardt pointed out that Norma Shearer will receive only one-third of the income from the estate of the late Irving Thalberg, and that the entire principal of the estate goes to the children.

Leopold Friedman, vice-president of Loew's, and J. Robert Rubin, vice-president and general counsel, are expected to testify today.

Unions to Meet Here On Studio Basic Pact

(Continued from page 1)

union contracts. Compliance with the Federal law has been established in the distribution and home office branches of the industry for more than a month. The exhibition branch is exempt.

Casey and the company heads are slated to meet Jan. 9 with Joseph M. Weber, president of the American Federation of Musicians, to discuss further the possibilities of the industry absorbing a large number of unemployed musicians. Weber, now in the south, is due in New York shortly after Jan. 1.

U. A. Owners to Meet Jan. 12 in Hollywood

(Continued from page 1)

Alexander Korda to catch a plane to the coast. Korda's departure left the meeting without a quorum.

Among the subjects discussed was the company's "reward of merit" or producers' bonus plan. Final action on the plan may be taken at the next meeting of the board, no date for which has been set yet, however.

Acquire Princeton House

With the acquisition of the Arcade, Princeton, N. J., Associated Playhouses now have control of the town. The circuit has also the Garden and the Playhouse in Princeton. The Arcade was taken over from F. A. Struve.

Second Run Theatres Lose in Coast Action

Los Angeles, Dec. 19.—Second run theatre activities do not affect interstate commerce, Federal Judge Harry Hollzer ruled today. The ruling was in a suit brought by Colcata Corp. against Fox West Coast Theatres and eight major distributors. It was dismissed.

Judge Hollzer said that the defendants' acts were insufficient to warrant a charge of intent to restrain interstate commerce. Leave to file [illegible] amended complaint was granted.

British Film Group Delays Dissolution

London, Dec. 19.—Producers' group here, which recently decided to reorganize under an entirely new setup, today decided to suspend final action in dissolving the present organization. The decision to continue for another three months as the Films Group of the Federation of British Industries, is believed to have been taken as a result of the continued reluctance of the American companies to join the movement for a revised organization.

The group originally decided to disband its present setup because of lack of interest on the part of many member companies, and the consequent inability to accomplish its objectives.

Hold Marquee Hearing

Public hearing on the Keegan bill which would permit nine-foot theatre marquees instead of the present limitation of two feet was held by Mayor Fiorello H. LaGuardia at City Hall yesterday. Realty interests attacked the bill on the ground that it would make a "Coney Island and Times Square" of the entire city. Labor unions and circuit heads urged the mayor to sign the bill.

Sues on Johnson Film

Osa Johnson, as executrix of the estate of Martin Johnson, filed suit in the N. Y. Supreme Court yesterday against Lina Pictures Corp. and Joseph Briskman for a permanent injunction restraining further distribution of the film, "Across the World With the Johnsons," a return of the negative and an accounting of the profits.

"Mamlock" Writ Denied

Application for a temporary injunction against further exhibition of "Professor Mamlock" was denied by N. Y. Supreme Court Justice Philip J. McCook yesterday. Hans J. Mamlok is suing Amkino Corp., Levrad Amusement Co., Inc., Cameo Theatre Co., Inc., Leninfilm, Charles S. Levin, Benjamin I. Radin and Friedrich Wolf on the ground that the film is based on his life and that it libels him.

Orpheum Fees Stand

U. S. Circuit Court of Appeals yesterday affirmed an allowance of $5,500 to Marcus Heiman, trustee in bankruptcy of Orpheum Circuit, Inc., and $20,000 to his attorneys, Beekman, Bogue, Leake, Stephens & Black. A creditor, Philip J. Snyder, had appealed the allowance as excessive. Heiman had sought $7,172 and his attorneys $50,000.

'Patrol' Is Good $16,500 in Hub Despite Xmas

BOSTON, Dec. 19.—With the Christmas shopping rush making only a slight dent in the week's business, "Submarine Patrol" and "Thanks for the Memory" pulled a neat $16,500 at the Metropolitan. "The Young in Heart" and "Spring Madness" took a good $15,000 at Loew's Orpheum and hit $10,000 at Loew's State.

"Heart of the North" and "Sharpshooters" did well with $5,500 at the Fenway but took a fair $7,500 at the Paramount.

Estimated takings for the week ending Dec. 14:

"Drums" (U. A.)
"Next Time I Marry" (RKO)
RKO MEMORIAL—(2,907) (25c-35c-40c-55c) 7 days. Gross: $12,500. (Average, $13,000)
"Submarine Patrol" (20th-Fox)
"Thanks for the Memory" (Para.)
METROPOLITAN — (4,332) (25c-35c-40c-55c) 7 days. Gross: $16,500. (Average, $12,500)
"The Young in Heart" (U. A.)
"Spring Madness" (M-G-M)
LOEW'S ORPHEUM—(2,907) (25c-35c-40c-55c) 7 days. Gross: $15,000. (Average, $12,000)
"The Young in Heart" (U. A.)
"Spring Madness" (M-G-M)
LOEW'S STATE—(3,537) (25c-35c-40c-55c) 7 days. Gross: $10,000. (Average, $10,000)
"Heart of the North" (W. B.)
"Sharpshooters" (20th-Fox)
PARAMOUNT—(1,797) (25c-35c-40c-55c) 7 days. Gross: $7,500. (Average, $8,500)
"Heart of the North" (W. B.)
"Sharpshooters" (20th-Fox)
FENWAY — (25c-35c-40c-55c) 7 days. Gross: $5,500. (Average, $4,500)

Cincinnati Gives 'Heart' $11,300

CINCINNATI, Dec. 19.—High money went to "The Young In Heart," which gave the RKO Palace $11,300.

"Angels With Dirty Faces" did well with $3,000 in its third week at the RKO Grand, and "Out West With the Hardys" took $5,300 at the RKO Capitol, in its second stanza.

Estimated takings for the week ending Dec. 15:

"Submarine Patrol" (20th-Fox)
RKO ALBEE—(3,300) (35c-42c) 7 days. Gross: $9,800. (Average, $12,000)
"The Young In Heart" (U. A.)
RKO PALACE—(2,700) (35c-42c) 7 days. Gross: $11,300. (Average, $10,000)
"Spring Madness" (M-G-M)
RKO SHUBERT—(2,150) (35c-40c-60c) 7 days. Stage: "Hollywood to Broadway" Revue with Lola Lane and Jack Durant. Gross: $10,000. (Average, $12,000)
"Out West With the Hardys" (M-G-M)
RKO CAPITOL—(2,000) (35c-42) 7 days, 2nd week. Gross: $5,300. (Average, $6,500)
"Dark Rapture" (Univ.)
RKO LYRIC—(1,400) (35c-42c) 7 days. Gross: $4,600. (Average, $6,500)
"Angels With Dirty Faces" (F. N.)
RKO GRAND—(1,200) (25c-40c) 7 days, 3rd week. Gross: $3,000) (Average, $2,750)
"I Stand Accused" (Republic)
(2 days)
"The Storm" (Univ.)
(2 days)
"Law West of Tombstone" (Radio)
(3 days)
RKO FAMILY—(1,000) (15c-25c). Gross: $2,350. (Average, $2,450)
"The Cowboy and the Lady" (U. A.)
KEITH'S—(1,500) (30c-40c) 7 days, 2nd week. Gross: $3,400. (Average, $6,500)

First W. B. "Heroes" Set

HOLLYWOOD, Dec. 19.—First of the Warner four-reel color series, "Heroes of the Western Hemisphere" will be "Bolivar of South America," with a life story of General Jose Artigas next.

Hollywood Preview

"Sweethearts"

(M-G-M)

HOLLYWOOD, Dec. 19.—"Sweethearts," fifth co-starring feature for Jeanette MacDonald and Nelson Eddy, is sweet entertainment every minute. There are 110 minutes in which the sophisticates and masses, those who appreciate fine music and enjoy romantic love interest, comedy, staging beautifully photographed in color and spectacle are offered much to delight them.

Only the title, a number of the original Victor Herbert musical compositions and the memory of "Sweethearts" are retained in the piece. Otherwise everything is new. The sparkling screenplay, prepared by Dorothy Parker and Alan Campbell, is the first modern theme that the MacDonald-Eddy duo have had. The up-to-date lyrics and music by Bob Wright and Chet Forrest, the picturesque settings created by Cedric Gibbons and the dances and ensembles arranged by Albertina Rasch accentuate the several entertainment elements. In his handling of stars and supporting personnel, the wealth of production detail and settings, W. S. Van Dyke again warrants his rating as one of the industry's top directors. It is a Hunt Stromberg production and one to be proud of.

After six years of starring in "Sweethearts," appearing in benefits on radio broadcasts and doing all that is expected of members of royal families of Broadway, happily married Miss MacDonald and Eddy succumb to the lure of Hollywood. As his "kiddies" prepare to depart, the bottom drops out of producer Frank Morgan's life. But not for nothing is Mischa Auer a great playwright. Stealing love letters which Eddy has written his wife, he concocts a script that, when read to Miss MacDonald, sows the seeds of jealousy in her mind. Faithful secretary Florence Rice is set up as the "other woman." The pair split, go on separate road company tours and suffer all the agonies of those whose love has been taken away from them, until they discover they have been duped. Hollywood is forgotten as, reunited, they continue in "Sweethearts."

The MacDonald-Eddy name value is supplemented by that of a host of important screen personalities. It may be expected that not only will the show be attractive to their regular following, but also to those patrons who turn out only when an unusual show is available.

Running time, 110 minutes. "G."* G. McC.

---

*"G" denotes general classification.

Capitol Supply Corp. Observes 20th Year

Capitol Motion Picture Supply Corp. is celebrating its twentieth year in business. I. Perse founded the enterprise Dec. 20, 1918, after having been mechanic, repair man and licensed projectionist. The organization now is headed by Benjamin Perse, president; Harry Perse, vice-president, and I. Perse, secretary.

Dowling Quits RKO For Post at Griffith

OKLAHOMA CITY, Dec. 19.—Matt Dowling, head booker at the RKO exchange, has resigned to join Griffith Amusement Co. as a booker out of the Dallas office.

Frank McCabe, former manager of the Criterion here and head booker for Standard Theatres Corp., has joined Griffith Amusement.

Mississippi Judge Upholds Bank Night

BILOXI, Miss., Dec. 19.—An effort to halt theatre Bank Nights in Biloxi failed when Justice of the Peace E. D. Lawrence dismissed the case of State of Mississippi vs. M. E. Ferrera, manager of the Saenger here.

Judge Lawrence said: "There having been no case handed down by the Supreme Court that theatre Bank Nights has proved to be a lottery, it is the discretion and decision of this court that the defendant, charged with advertising a lottery, is not guilty."

Albert Sidney Johnston, who signed the affidavit against the theatre manager, was among the state witnesses.

Lid on Games Asked By Wisconsin ITPA

MILWAUKEE, Dec. 19.—Aware that Bingo has cut into theatre receipts substantially, Milwaukee county members of the Independent Theatres Protective Association of Wisconsin have called upon authorities to enforce all laws pertaining to lotteries, gambling and all games of chance against "any and all parties" violating ordinances or statutes.

Exhibitors indicated their willingness to discontinue games of chance in theatres provided all forms of games be stopped in halls, taverns and churches. Police Chief Joseph T. Kluchesky has permitted Bingo where it is conducted by church and similar organizations and the game has been attracting thousands weekly.

Trenton Bans Bingo

TRENTON, N. J., Dec. 19.—Ban on Bingo and novelty parties in Mercer County by county authorities does not affect cash games in theatres. The edict is that such parties cease immediately. William A. Dooling, Trenton police chief, says criminal charges of operating a lottery will be brought on sufficient evidence.

Stromberg on Coast

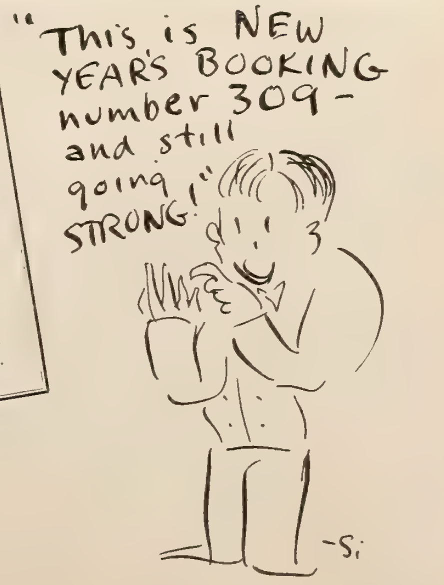
HOLLYWOOD, Dec. 19.—Hunt Stromberg, M-G-M producer, and Joseph Mankiewicz, writer, arrived today from New York.

"SWEETHEARTS" TELEGRAM

METRO-GOLDWYN-MAYER

We previewed 'SWEETHEARTS' last night and this picture is truly a sweetheart. The technicolor added so much to the beauty of Jeanette MacDonald and Nelson Eddy was at his best. It is a grand and glorious picture and we have booked it in all our situations for New Year's Day and expect to break all records. Regards.

FRANK L. NEWMAN
EVERGREEN AMUSEMENT CO., SEATTLE, WASH.


"This is NEW YEAR'S BOOKING number 309 - and still going STRONG!"
-Si

MOTION PICTURE DAILY'S HANDY BOOKING CHART

Dates Are Based Upon National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After the Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS
Nov. 11		Spring Madness (G) (D) *Lew Ayres* *Burgess Meredith*		If I Were King (G) (D) *Colman* *Rathbone* (3810)	Rhythm of the Saddle (G) (O) *Gene Autry*	Annabel Takes a Tour (G) (C) *Oakie* *Lucille Ball* (908)	Just Around the Corner *Shirley Temple* *Charles Farrell* (915)		His Exciting Night (G) (C) *Charles Ruggles* *Ona Munson*	Torchy Gets Her Man (G) (D) *Glenda Farrell* *MacLane*
Nov. 18	Adventure in Sahara *Paul Kelly* *Lorna Gray*	The Shining Hour (A) (D) *Crawford* *Sullavan* *Douglas*	Gun Packer (O) *Jack Randall*	Thanks for the Memory (G) (C) *Bob Hope* *Shirley Ross* (3811)	Storm Over Bengal (G) (D) *Patric Knowles* *Rochelle Hudson*	Law West of Tombstone (G) (O) *Harry Carey* *Jean Rouverol* (909)	Sharpshooters (G) (D) *Brian Donlevy* *Lynn Bari* (916)	Cowboy and the Lady (G) (C) *Cooper* *Oberon*	Mars Attacks the World *Larry Crabbe* *Jean Rogers*	Nancy Drew, Detective *Bonita Granville* *John Litel*
Nov. 25	Blondie (G) (C) *Penny Singleton* *Arthur Lake*	Out West with the Hardys *Lewis Stone* *Mickey Rooney*	Gang Bullets *Anne Nagel* (G) (D)	Say It in French (813) Arrest Bulldog Drummond	Santa Fe Stampede (G) (O) Orphans of the Street	Peck's Bad Boy at the Circus *Tom Kelly* (G) (C)	Submarine Patrol (G) (D) *Richard Green* *Nancy Kelly* *Preston Foster* (909)		Little Tough Guys in Society (G) (C) *Boland* *Auer* *Horton*	Angels with Dirty Faces (G) (D) *Cagney* *O'Brien* *"Dead End" Kids*
Dec. 2	Terror of Tiny Town *Jed Buell's Midgets*	Flirting with Fate (G) (C) *Joe E. Brown* *Leo Carrillo*		Little Orphan Annie (G) (C) *Ann Gillis* *Robert Kent* (3814)	Come On, Rangers (G) (O) *Roy Rogers* *Mary Hart*		Road Demon (G) (D) *Henry Arthur* *Joan Valerie* *Henry Armetta* (918)		Strange Faces (G) (D) *Dorothea Kent* *Frank Jenks* *Andy Devine*	Comet Over Broadway (G) (D) *Kay Francis* *Ian Hunter*
Dec. 9	Rio Grande (O) *Charles Starrett* *Ann Doran*	Dramatic School *Rainer* *Goddard* *Alan Marshall*	Song of the Buckaroo (O) *Tex Ritter*	Ride a Crooked Mile (G) (D) *Farmer Tamiroff* (3815)	Western Jamboree (O) *Gene Autry* *Smiley Burnette*	Next Time I Marry *Lucille Ball* *James Ellison* (910)	Up the River (G) (C) *Tony Martin* *Phyllis Brooks* (924)		Secrets of a Nurse (G) (D) *Helen Mack* *Edmund Lowe*	Heart of the North (G) (D) *Dick Foran*
Dec. 16	Strange Case of Dr. Meade *Jack Holt* California Frontier (O)	A Christmas Carol (G) (D) *Reginald Owen* *Terry Kilburn*	I Am a Criminal (G) (D) *John Carroll* *Mary Kornman*	The Frontiersman (G) (O) *William Boyd* (3856)	Red River Range *3 Mesquiteers*		Down on the Farm (G) (C) *Jones Family* (920)		Swing, Sister, Swing *Ken Murray* Ghost Town Riders (O)	Secret Service of the Air *Ronald Reagan* *John Litel* *Ila Rhodes*
Dec. 23	There's That Woman Again (G) (C) *Douglas* *Bruce*	The Girl Downstairs *Tone* *Gaal* *Connolly*	Wild Horse Canyon (O) *Jack Randall*	Tom Sawyer, Detective (3816)	Shine On, Harvest Moon *Roy Rogers* *Mary Hart*		Thanks for Everything (G) (C) *Menjou* (917)	Trade Winds *Fredric March* *Joan Bennett*	Newsboys Home *Jackie Cooper* *Wendy Barrie*	The Dawn Patrol *Errol Flynn* *Rathbone*
Dec. 30	Smashing the Spy Ring *Fay Wray* *Ralph Bellamy*	Sweethearts *MacDonald* *Nelson Eddy*	Tough Kid *Frankie Darro*	Artists and Models Abroad *Jack Benny* *Joan Bennett* (3817)	Federal Man Hunt *Livingston* *Travis*	The Great Man Votes *John Barrymore* *Peter Holden*	Kentucky *Loretta Young* *Richard Greene* (923)	Duke of West Point *Louis Hayard* *Joan Fontaine*		Going Places *Dick Powell* *Anita Louise*
Jan. 6 1939	North of Shanghai *Betty Furness* *James Craig*	Stand Up and Fight *Robert Taylor* *Wallace Beery* *Florence Rice*		King of Chinatown *Anna May Wong* *Tamiroff*	Fighting Thoroughbreds *Ralph Byrd* *Mary Carlisle* *Robert Allen*	Pacific Liner *McLaglen* *Chester Morris* *Wendy Barrie*	While New York Sleeps *Michael Whalen* (922)		Last Warning *Foster* *Jenks* (G) (D)	Devil's Island *Karloff*
Jan. 13	The Thundering West *Starrett* *Meredith*	Burn 'Em Up O'Connor *Dennis O'Keefe* *Cecilia Parker*		Zaza *Colbert* *Marshall* *Bert Lahr*	Mysterious Miss X *Michael Whalen* *Mary Hart*	The Pure in Mind (Tentative) *Anne Shirley* *Roger Daniels*	Tail Spin *Alice Faye* *Constance Bennett* (925)		Son of Frankenstein *Rathbone* *Karloff* *Lugo*[illegible]	They Made Me a Criminal *John Garfield* *"Dead End" Kids* *Claude Rains*

G. B.

The Lady Vanishes (G) (C)
Margaret Lockwood
Paul Lukas
(Nov. 1)

The Frog
Noah Beery
Gordon Harker
(Nov. 15)

Climbing High (M)
Jessie Matthews
Michael Redgrave
(Dec. 1)

G. N.

Shadows Over Shanghai (G) (D)
James Dunn
Ralph Morgan
(Oct. 14)
(311)

Frontier Scout (G) (O)
George Houston
(Oct. 21)
(325)

Titans of the Deep
(Oct. 28)
Dr. Beebe
(326)

Cipher Bureau (G) (D)
Joan Woodbury
Leon Ames
(Nov. 4)
(312)

Sunset Strip Case
Sally Rand
(Nov. 11)
(345)

'Heart' Grabs Good $33,000 In Loop Lull

CHICAGO, Dec. 19.—"The Young in Heart" got off to a fast start at the Chicago with $33,000 and was held over.

With the Christmas rush at full [illegible] business in the Loop fell off with only the matinees pulling.

"Cowboy And The Lady" did well on a second week at the U.A. and "Angels With Dirty Faces" was good in a third week at the Apollo.

Estimated takings for the week ending Dec. 13-17:

"Angels with Dirty Faces" (W. B.)
APOLLO—(1,400) (35c-55c-65c) 7 days. Gross: $6,300. (Average, $6,500)
"Young in Heart" (U. A.)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Vaudeville Revue. Gross: $33,000. (Average, $32,000)
"Comet Over Broadway" (W. B.)
GARRICK—(900) (30c-40c-50c) 7 days. Gross: $4,500. (Average, $6,500)
"Breaking the Ice" (RKO)
ORIENTAL—(3,400) (25c-30c-40c) 7 days. Stage: Verne Buck and Revue. Gross: $14,200. (Average, $13,000)
"The Storm" (Univ.)
PALACE—(2,500) (35c-55c-75c) 7 days. Stage: Frank Jenks and Revue. Gross: $16,600. (Average, $19,000)
"Stablemates" (M-G-M)
ROOSEVELT—(1,300) (35c-55c-75c) 7 days, 2nd week. Gross: $8,900. (Average, $11,000)
"Cowboy and the Lady" (U. A.)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days, 2nd week. Gross: $14,200. (Average, $15,000)

New Haven Slips But "Patrol" Hits $7,300

NEW HAVEN, Dec. 19.—"Submarine Patrol" was the only feature to keep above water. In a dual with "Arrest Bulldog Drummond" at the Paramount, it took $7,300.

"Up the River" and "Little Adventuress" took $2,300 at the College. At the Loew-Poli, "Just Around the Corner" and "Drums" took $7,000.

Estimated takings for the week ending Dec. 16:

"Up the River" (20th-Fox)
"Little Adventuress" (Col.)
COLLEGE—(1,499) (25c-35c) 7 days. Gross: $2,300. (Average, $2,500)
"Just Around the Corner" (20th-Fox)
"Drums" (U. A.)
LOEW-POLI—(3,040) (35c-50c) 7 days. Gross: $7,000. (Average, $8,000)
"Submarine Patrol" (20th-Fox)
"Arrest Bulldog Drummond" (Para.)
PARAMOUNT—(2,348) (35c-50c) 8 days. Gross: $7,300. (Average, $4,400)
"Brother Rat" (W. B.)
"Torchy Gets Her Man" (W. B.)
and
"Angels with Dirty Faces" (W. B.)
"Road to Reno" (Univ.)
ROGER SHERMAN—(2,200) (35c-50c) (3-day and 4-day re-engagement). Gross: $3,900. (Average, $4,700)

31% of Britishers Are Weekly Cinema Goers

LONDON, Dec. 19.—About 31 per cent of the British population are habitual weekly cinema goers, a survey by the *London News Chronicle* shows. About 13 per cent go twice a week; three per cent three times and two per cent four times or more.

About 12 out of every 100 Britishers never go to the cinema. They are mostly elderly folk. The ratio rises from four per cent from the age of 21 to 25 per cent at the age of 50 and over.

Hollywood Previews

"Comet Over Broadway"

(*Warners*)

HOLLYWOOD, Dec. 19.—In "Comet Over Broadway," one of her pictures for Warners, Kay Francis turns in one of her best performances. She has a good story and she takes advantage of every opportunity. The cast supporting her, particularly Ian Hunter, John Litel, Donald Crisp, Mina Gombell, Sybil Jason, Melville Cooper, Ian Keith and Leona Maricle, are excellent.

Based on a Faith Baldwin *Cosmopolitan Magazine* story, with screenplay by Mark Hellinger and Robert Buckner, the appeal of "Comet Over Broadway" is to women. The work of the cast together with that of director Busby Berkeley is pointed to accentuate that interest.

A stage struck country girl, Miss Francis becomes involved in a situation that results in her husband, Litel, being sentenced to jail for life for murder. Realizing her responsibility, Miss Francis dedicates her life to freeing Litel. She goes on the stage and in her burlesque and vaudeville career makes a fast friendship with old trouper Miss Gombell. Professional jealousy on the part of actress Miss Maricle causes her to lose a Broadway chance and apparently costs the friendship of producer Hunter. However, as Miss Gombell becomes guardian to her child, Miss Jason, Miss Francis becomes a star of the London stage. Seen there by Hunter, he invites her back to New York to star in his show. His second objective is romance. At the hour of American triumph comes word that Litel is to be paroled. Sacrificing her chance for fame, she returns to her country home as his wife and mother of their child.

Running time, 65 minutes. "G."* G. McC.

"Gambling Ship"

(*Universal*)

HOLLYWOOD, Dec. 19.—This is another of those swift, practical little pictures, more effective than fancy, that have been coming from Universal since Nate Blumberg and his box-office trained associates took over. Cast without thunderous names, it tells a compact story concisely and realistically, makes 60 minutes seem a short hour.

Robert Wilcox and Helen Mack are the youthful romantics caught up in an underworldly series of goings-on which include a murder, an abduction and, finally, the capture of the arch gangster, played proficiently by Irving Pichell, through use of a film camera. In the dialogue, incidentally, and belonging there, is a speech which goes, "Remember—motion pictures are your best entertainment."

The story by G. Carleton Brown and Emanuel Manheim and screenplay by Alex Gottlieb is a smooth tale about a crook who covets an honestly operated gambling ship, the girl who owns it, the officer who masquerades as a criminal to get the goods on the crook, the means whereby he does so and what follows. Ed Brophy and Joseph Sawyer play a pair of slug-uglies potently. Irving Starr produced and Aubrey Scotto directed.

Running time, 60 minutes. "G."* ROSCOE WILLIAMS.

"There's That Woman Again"

(*Columbia*)

HOLLYWOOD, Dec. 19.—Showmen can call this a comedy, a melodrama, a detective mystery or all three, and count on the picture backing them up. They can say that Melvyn Douglas and Virginia Bruce are as flippantly fascinating as any other Mr. and Mrs. Detective the screen has seen and depend on their performances to make good this promise. The film is tiptop as to production, topnotch as to direction and aces as to story. It had a Hollywood preview audience guffawing.

It took five writers to piece out the plot and there is credit enough to go around. Philip G. Epstein, James Edward Grant and Ken Englund wrote the screenplay from a story by Gladys Lehman, who got it from an original by Wilson Collison. Associate producer B. B Kahane and director Alexander Hall gave it depth, dressing, freshness, momentum, coherence, gloss, point and—in short—just about everything a modern comedy-melodrama requires to make the paying guests glad they paid.

The place is New York, the time now, and the detective has been employed to put an end to a series of robberies occurring in a jewelry store at Fifth Ave. and 50th St. His wife helps, against his will, Tom Dugan, his assistant, doesn't, and there are two murders before it turns out that the lady who owns the place is responsible for all the deviltry. Margaret Lindsay plays this highly criminal person cleverly.

Running time, 70 minutes. "G."* ROSCOE WILLIAMS

---

* *"G" denotes general classification.*

'Hour' and 'Carol' Dual Hits $10,000 As Milwaukee High

MILWAUKEE, Dec. 19.—Best bets in a slow week were "The Shining Hour" and "A Christmas Carol," grossing $10,000 at Fox's Wisconsin.

"The Citadel" and "Sons of the Legion" grossed $6,000 at the Palace, while "The Young in Heart" and "Peck's Bad Boy With the Circus" were good for $5,400 at the Warner.

Estimated takings for the week ending Dec. 14-16:

"The Young in Heart" (U. A.)
"Peck's Bad Boy With the Circus" (RKO)
WARNER—(2,400) (35c-50c) 7 days. Gross: $5,400. (Average, $5,000)
"The Lady Vanishes" (G. B.)
LITTLE THEATRE—(1,098) (35c-50c) 7 days. Gross: $2,000.
"The Citadel" (M-G-M)
"Sons of the Legion" (Para.)
PALACE—(2,400) (35c-50c) 7 days. Gross: $6,000. (Average, $5,000)
"The Little Adventuress" (Col.)
RIVERSIDE—(2,300) (35c-50c) 7 days. Stage: Romo Vincent. Gross: $4,500. (Average, $5,000)
"Out West With the Hardys" (M-G-M)
"Listen, Darling" (M-G-M)
STRAND—(1,400) (35c-50c) 7 days. Gross: $4,200. (Average, $4,500)
"The Shining Hour" (M-G-M)
"A Christmas Carol" (M-G-M)
WISCONSIN—(3,200) (35c-50c) 7 days. Gross: $10,000. (Average, $8,000)

None Cracks Par in Slow Montreal Week

MONTREAL, Dec. 19.—"Too Hot to Handle" was fair at $8,000 in a poor week. No house bettered par. "Just Around the Corner," figuring on a double bill at the Princess, accounted for $5,500.

"Brother Rat," on a dual brought $6,500 to the Capitol and the second week of "The Cowboy and the Lady" recorded $3,000 at the Orpheum. Snowy weather helped the shopping but not the theatres.

Estimated takings for the week ending Dec. 17:

"Brother Rat" (W. B.)
"Torchy Gets Her Man" (W. B.)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: $6,500. (Average, $9,500)
"The Road to Reno" (Univ.)
LOEW'S—(2,800) (25c-40c-50c) 7 days. Stage: 7 vaudeville acts. Gross: $6,000. (Average, $8,000)
"The Cowboy and the Lady" (U. A.)
ORPHEUM—(919) (25c-35c-50c) 7 days. 2nd week. Gross: $3,000. (Average, $5,000)
"Too Hot to Handle" (M-G-M)
PALACE—(2,600) (25c-40c-55c-65c) 7 days. Gross: $8,000. (Average, $11,000)
"Just Around the Corner" (20th-Fox)
"Big Town Girls" (20th-Fox)
PRINCESS—(2,272) (25c-35c-50c-65c) 7 days. Gross: $5,500. (Average, $7,000)

'Algiers,' 'Kildare' Draw $9,100, Omaha

OMAHA, Dec. 19.—Pre-Christmas slump hit theatre grosses with "Algiers," dualled with "Young Dr. Kildare," getting a good $9,100 at the Orpheum.

"Sisters" and "Always in Trouble" grossed $7,200 at the Omaha while the Brandeis took $3,900 for "Girls School" and "Comet Over Broadway."

Estimated takings for the week ending Dec. 14-15:

"Girls School" (Col.)
"Comet Over Broadway" (W.B.)
BRANDEIS—(1,200) (25c-35c-40c) 7 days. Gross: $3,900. (Average, $4,000)
"The Sisters" (W. B.)
"Always in Trouble" (20th-Fox)
OMAHA—(2,200) (25c-40c) 7 days. Gross: $7,200. (Average, $5,500)
"Algiers" (U. A.)
"Young Dr. Kildare" (M-G-M)
ORPHEUM—(3,000) (25c-40c) 7 days. Gross: $9,100. (Average, $7,200)

▸ Radio Personals ◂

ROBERT TAYLOR returns to "Good News of 1939" on Thursday . . . Charles Roe is the new production manager at WGL and will handle special feature assignments at the station and WOWO . . . Conrad Nagel, director of "Silver Theatre" will star in the next two productions with Ida Lupino on Christmas and New Year's Day . . . Sam "Schlepperman" Hearn will be guest star of Fibber McGee tonight on NBC-Red . . . Harry von Zell will do the announcing for "Honolulu Bound" which starts on CBS Jan. 14 at 9 P.M.

+

Adolph Menjou and Frances Dee will star in the next presentation of "Star Theatre" on CBS tomorrow . . . Walt Disney will be interviewed by Cecil B. DeMille on the "Lux Radio Theatre" between acts of "Snow White and the Seven Dwarfs" next Monday . . . Kate Smith will spend Christmas Eve with her mother in Washington, D. C. . . . Jean Hersholt accompanied by his wife, will spend the holiday in New York . . . Alfred Segal, *Cincinnati Post* columnist, starts a series of four weekly broadcasts at 10:30 P.M. over NBC-Red on Christmas Day. He will offer an interpretation of the week's news, "Mr. Dodd Looks at the News." Heywood Broun and George S. Kaufman will be guests of "Information, Please" tonight.

+

Kirsten Flagstad will sing "Silent Night" over the combined Blue and Red networks of NBC at 11:57 P.M. Christmas Eve . . . William A. Schudt, Jr., general manager of WKRC, Cincinnati, has returned after a 10-day trip to New York . . . Russell Pratt starts a new six-a-week series for Coco Wheats on KDKA at 7:30 A.M. on Jan. 2 . . . J. N. Bailey has been appointed editor of the news room of WLW and WSAI to succeed H. L. MacEwen, resigned.

WBRY Brings CBS N. E. Outlets to Ten

Addition of WBRY, New Haven, on Friday brought the number of outlets on Columbia's New England network up to 10. Rate card issued shows $1,750 for full night hour and $879 for day. For half hour programs, $1,050 night, $529 day; quarter hour, $700 night, $350 day. Discount of 10 per cent is allowed for programs going 52 consecutive weeks.

On April 30, KOIL, Omaha, will become part of the CBS basic network. Base rate will be $175 a night hour and $88 day.

Frances Wood to WCLO

JANESVILLE, WIS., Dec. 19.—Frances Wood, formerly organist on WCLS, Joliet, Ill., where she was heard from the Rialto, has been named musical director at WCLO here.

Heading WISN Sales

MILWAUKEE, Dec. 19.—Fred E. Zindler, formerly advertising salesman for the *Milwaukee Journal*, owner and operator of WTMJ, has been named sales manager of WISN here.

Inquiry Is Planned On Patent Situation In Radio by N.E.C.

WASHINGTON, Dec. 19.—Investigation of the patent situation in the radio industry by the Temporary National Economic Committee may be started when it re-convenes after a holiday recess, it was indicated here today. The committee has just completed studies of the automobile patent pool and the patent situation in the glass industry.

After the new Congress has organized, it is probable that other industries, including radio and oil, where patents are a major factor will be investigated.

Radio Is Peace Tool British Group Hears

LONDON, Dec. 19.—That every wireless manufactured by the industry is an ambassador for Britain and a potential instrument for peace, was the view expressed by F. W. Oglivie, director general of the B.B.C., at the annual banquet of the British Radio Manufacturers' Association.

Oglivie said that short wave broadcasting is only beginning and that before 1950 short wave reception from one side of the world to another would be as generally accessible as medium wave reception at home today.

Television, he asserted, had passed from experiment to the level of entertainment, even though it was in an early stage.

Crosley Station to Run on 50,000 Watts

CINCINNATI, Dec. 19.—Crosley station W8XAL will operate on 50,000 watts early next year under permit granted by the F.C.C., and will be permitted to use four more international broadcasting frequency bands. The station now uses 10,000 watts, and operates in the six and nine megacycle band. The new permit will enable it to also broadcast in the 11, 15, 17 and 21 megacycle bands.

Two transmitters instead of one will be used on the new power, making possible instantaneous switching from one frequency band to another, allowing the station to adjust its wave length to geographical and atmospheric conditions without loss of time. A special antenna, now under development, will be used, making it possible to aim the broadcast beam at any chosen country or city.

"Lamplighter" on WOR

"The Lamplighter" is the new I. J. Fox, Inc., program on WOR. Sterling Advertising Agency placed the show, which will be heard Sundays at 12:30 P.M. Richfield Oil Co. will sponsor a 15-minute Transradio News broadcast over the station on Sundays at 12:45 P.M. starting Jan. 15. Sherman K. Ellis & Co. is the agency.

Lasky Names Two Aides

Jesse L. Lasky has named Hobart Bosworth and Bryant Washburn as his personal representatives for the "Talent Quest" program which makes its debut Jan. 8 over CBS.

FCC Will Resume Quiz of NBC Today

WASHINGTON, Dec. 19.—The Federal Communications committee investigating alleged monopoly in broadcasting tomorrow will begin the winding up of its study of the organization and operations of the National Broadcasting Co. preparatory to recessing hearings over the Christmas holiday.

When hearings are resumed January 4, officials of the Columbia Broadcasting System will be called to explain the setup and activities of that chain.

Survey of Columbia is not expected to require the six weeks which, with a break for Thanksgiving, were necessary for the NBC study, and the commission hopes to reach the Mutual Broadcasting System, the last of the national nets to be investigated, by the end of January.

Butcher Sells 300 "A" Shares of CBS Stock

WASHINGTON, Dec. 19.—Disposition in October by Harry S. Butcher, vice-president, of 300 shares of Class "A" Columbia Broadcasting System stock, his entire holdings in that class, has been reported by the Securities and Exchange Commission.

Only two small film stock transactions were reported in the summary, which showed that in September Abraham Schneider, New York, received two common voting trust certificates of Columbia Pictures Corp. as a stock dividend, increasing his holdings to 102, and Mabel M. Malone, New York, disposed of 55 shares of Pathe common stock, her entire holdings.

The commission announced that a report filed by Harold Saxe, New York, showed that he held no equity securities of Educational Pictures when becoming an officer in that company on April 1, last.

To Air Transit Service

CINCINNATI, Dec. 19.—As a matter of public service, WCKY, in a tieup with the Cincinnati Street Railway Co., will broadcast emergency announcements in cases of fire, floods or other conditions which affect the local transportation systems. Information will be accepted by WCKY announcers if telephoned in by any one of four company officials, who will use a code word to prevent false announcements being dispatched.

Catholic Guild Series

TROY, Dec. 19.—Catholic Radio Guild here is sponsoring a Monday night series over WHAZ, experimental station operated by the Rensselaer Polytechnic Institute. Rev. Raymond Halpin acts as master of ceremonies.

Shadwell Joins WSAI

CINCINNATI, Dec. 19.—Clair Shadwell, currently conducting the "Night Watchman" program over NBC, will join WSAI, as master of ceremonies on the "Dow Daily Express," an early morning commercial sponsored by Dow Drug Co.

Bayuk Renews Program

Bayuk Cigar Co. has renewed for 18 weeks its three-times weekly program, "The Inside of Sports," over Mutual. Ivey & Ellington is the agency.

Around the Country

Cincinnati

When the "Boone County Jamboree" moved from the 2,200-seat Emery Auditorium to the 3,500-seat Music Hall from which the two and one quarter hour stage shows will hereafter originate, the "Plantation Party" portion of the program, aired from 9 to 9:30 P. M., E.S.T., was sponsored by Brown and Williamson Tobacco Co., instead of International Harvester Co. . . . Vick Chemical Co. continues as sponsor of "Open House," from 10 to 10:30 P. M., E.S.T., both programs being fed to the NBC web. . . . Jimmy Scribner, who plays all 22 characters in "The Johnson Family," in addition to writing the script, producing the show, and handling his own sound effects, has begun broadcasting his program from WSAI from where it will originate for the balance of December. The program, fed to the Mutual web, and aired at 5:15 P. M., E.S.T., Monday through Friday, has originated in New York for the past two years. . . . Dr. Victor E. Reichert, Rabbi of Rockdale Temple, will be the guest speaker on four successive broadcasts of the "Message of Israel," beginning Jan. 7. The broadcasts, fed to NBC, will originate in the Netherland Plaza studios of WCKY.

+

Albany

Forrest Willis of WOKO has left for Bermuda. In his absence, Elliott Gove will handle the Socony news flashes and divide the Montgomery Ward daily musical hour with Ralph Kanna. . . . Johnny Lee, program director for WOKO, will pinch hit on the D'Jimas afternoon musical arrangements. . . . Bert Madden, who won an announcer's audition contest about a year ago, is now program director for WABY. . . . Sherb Herrick is handling the new Kreemflake half-hour morning shots, Monday through Saturday and writing the continuity over WOKO. . . . Leo Bolley has passed his third year on WGY for Tydol. . . . Gene O'Haire is being readied for another sports program over WGY. . . . Jerry Stewart, who does sound track for film stars' animated cartoons, was in Troy, his native lair, and did a mimicry shot over WOKO. . . . New station in Troy ready for an early 1939 shot. . . . Maybelle Osborne is doing a new show for local furniture dealer on a five-day week basis, with Gren Rand on the script. . . . Preparations are being made locally for a nationwide hook-up on the inauguration of Governor Lehman January 1.

FCC Calendar

WASHINGTON, Dec. 19.—Increased power has been asked of the Federal Communications Commission by two broadcasting stations.

Applications filed with the commission included requests of WEAU, Eau Clair, Wis., for an increase of power from 1,000 to 5,000 watts, and KOAC, Corvallis, Ore., for a similar increase.

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 44. NO. 121 NEW YORK, WEDNESDAY, DECEMBER 21, 1938 TEN CENTS

Quota Law Hit By Commons As Damaging

Hampers Industry, Head of Trade Board Is Told

London, Dec. 20.—Members of the House of Commons today bombarded Oliver Stanley, president of the Board of Trade, with declarations that the new Films Act was gravely hampering the film industry. The members cited a numerical drop in production, industry unemployment and a shortage of films on the market here.

Stanley defended the act as having improved the standards of production, claiming the objective of higher quality is being attained under the law. He said he was aware of the shortage of product, and expressed the hope that the quality improvement would serve to attract new financing. He contended the film decrease was due to outside causes, but did not specify them.

68 Films Registered

A total of 68 British features has been registered since April and six others are under consideration. The Films Council is already functioning, Stanley said, and no new commission is contemplated. The council will report on its work in a few months. Questioned on the inquiry into Gaumont British, anticipated some time ago, Stanley said action was suspended partly at the request of stockholders

(*Continued on page* 5)

"U" Acquires "Mikado"

Universal has acquired the North and South American and Far East distribution rights to the film version of Gilbert & Sullivan's "The Mikado," from General Film Distributors, London, Universal's British associate.

Colman Signed for Kellogg Air Show

Hollywood, Dec. 20.—Ronald Colman, who has never appeared on the radio before, has been signed by the J. Walter Thompson agency for regular appearances on the Kellogg program on the NBC Red, starting Jan. 15.

Lawrence Tibbett also has been added to the cast, which already includes Cary Grant and Carole Lombard. Robert Emmett Dolan will conduct the orchestra.

Self-Regulation Halted Until Government Acts

Trade Practice Program Threatened Unless U. S. Gives Aid

Until there is reaction from the Government regarding the tentative trade practice terms which have been submitted for study to the Department of Justice, the industry's self-regulation program will remain stymied.

Distributors are waiting for the Government's reaction to the preliminary draft before proceeding further.

Should the Government take no official cognizance of the program, self-regulation in the film industry may become a dead issue. The indications are definite that no further action is possible until the Government's views shall have been had.

Government Has Draft

Terms of the tentative draft were presented to the Department of Justice, at the same time that the terms were submitted to exhibitor negotiators.

But there is only the faintest hope that the Government will give the self-regulation program official notice. That the Government would not do this was indicated in Washington, hardly a week ago.

At that time also it was indicated that the Government would not consider the self-regulation program in connection with the pending anti-trust suit.

The Government looks upon the trade practice program purely as intra-industry. Additionally, the trade practice terms have yet to receive the universal approval of all industry interests. In some trade quarters there is definite opposition.

Chaplin Will Play Two Roles in His First Talking Film

Hollywood, Dec. 20.—Charlie Chaplin will play not only his old familiar self, but a new character which will be seen and heard for the first time, in his forthcoming film, scheduled to go into work shortly after the first of the year.

The comedian's first all-talking picture, the film is tentatively titled "The Dictator," conceived and written by Chaplin himself.

Exclusive of the "Titina" number which Chaplin sang in "Modern Times," the film will mark the first time he will be heard on the screen.

Schaefer Elected To MPPDA Board

George J. Schaefer, RKO chief executive, was elected to the M.P.P.D.A. board at a quarterly meeting of the organization's directors yesterday. Schaefer succeeds Leo Spitz, former head of RKO.

Board received a formal report on the decision of all major distributors to withdraw from Italy Dec. 31, when E.N.I.C., the Government-controlled film distributing monopoly, begins operations. Companies took the position that enforcement of the Italian film decree breaches their existing contracts in Italy.

Will H. Hays reported to the board on preparations in Hollywood for compilation of two feature pictures depicting highlights of American history for exhibition at the New York and San Francisco World's Fairs next year. Material for the pictures will be selected from more than 2,000,000 feet of available film, comprising 211 features and 24 short subjects, now in the industry's film vaults.

A production committee has been designated to select and compile the material in Hollywood. It will be presented in 15 main historical episodes to conform with an outline made by Dr. James T. Shotwell of the Carnegie Endowment for International Peace. Some new material will be produced under the direction of Cecil B. DeMille.

The Hays board meeting adjourned to Jan. 4.

Coast Unions Not Affected By Wage Bill

Producers and international studio unions will take the position that union workers employed under terms of the basic agreement with studios are not affected by the Federal Wages and Hours Law, Pat Casey, producers' labor representative, said yesterday after his arrival from Hollywood.

This stand, seemingly confirmed following conferences at M. P. P. D. A. headquarters during the day, eliminates earlier plans for meetings between company heads and the heads of unions which are signatories of the basic agreement for the purpose of revising the pact to conform with the Federal act.

Agreements of this kind, arrived at through negotiations with accredited labor representatives, are not nullified by the Federal act. The international unions are taking the same position.

No formal ruling on the question involved has been made yet by the administrator of the Federal act, however. The arrangement completes the industry's efforts to conform with the law in all branches affected.

Casey will remain in New York for resumption of the conferences on reemployment of musicians in the industry, which are scheduled for Jan. 9.

Joseph Schenck on Marcus Loew Board

Toronto, Dec. 20.—Joseph M. Schenck, chairman of the board of 20th Century-Fox, has been elected to the board of Marcus Loew's Theatres, Ltd. He succeeds Alfred Wright, attorney.

Loew's, Inc., has a minority interest in Marcus Loew's Theatres, which owns two theatres in Toronto. These are the Young Street, operated by Loew's, and the Uptown, which is operated by Famous Players Canadian under a long-term lease.

At the annual meeting of the company here, F. M. Kimbark, vice-president, announced a directors' plan for the liquidation of dividend arrears on the seven per cent preference stock now amounting to $38.50 a share.

Ghetto Film Houses Planned in Germany

Ghetto film houses are planned for Jews in Germany, according to newspaper accounts. They are to be operated by the Jewish Culture League, a Nazi organization which sponsors all Jewish cultural activities and box office revenue is expected to make the League self supporting.

A limited number of foreign films and selected German pictures are planned for the theatres when they open.

◂ Purely Personal ▸

MADELEINE CARROLL is en route from the Coast and will sail on the *Normandie* Saturday to spend New Year's Eve at the Maison de Charite, Paris orphanage, as is her annual custom.

•

STANTON GRIFFIS, chairman of the Paramount executive committee, leaves tomorrow for a Florida vacation. He will be back in New York shortly after New Year's.

•

GOV. A. HARRY MOORE of New Jersey bought the first ticket for the showing of "Marusia," Ukrainian musical film, which was made in North Plainfield, N. J.

•

AL SELIG has undertaken to write a story based on the F. DONALD COSTER-McKESSON & Robbins fiasco. SELIG's title is "The Man Who Lives Two Lives."

•

WOLFE COHEN, Canadian district manager for Warners, returns to his Toronto office the end of this week after conferring with ROY HAINES.

•

KATHARINE HEPBURN will have a leading role in the Theatre Guild production of PHILIP BARRY's new comedy, "The Philadelphia Story."

•

JOE LEE and HARRY BUXBAUM, sales manager and branch manager of RKO, respectively, are due back from the coast Jan. 1.

•

MARJORIE FORD is back from the road tour of "Blossom Time." The revival opens at the 46th Street Theatre, Dec. 26.

•

JOE VOGEL, Loew theatre executive, sprained an ankle during a trip with OSCAR A. DOOB to several eastern cities.

•

GABY MORLAY and JACQUES ERWIN, French players, are due tomorrow on the *Normandie*.

•

HARRY BRANDT accompanies his family to Miami today. He will remain two weeks.

THE MERCURY

GIANT SKYSLEEPERS

OVERNIGHT TO LOS ANGELES

Fly the Southern SUNSHINE route overnight to Los Angeles. Through service. No change of planes. Giant SKYSLEEPERS. Complimentary meals served by stewardesses.

Mercury	Southerner
Lv. 5:10 p. m.	Lv. 9:10 p. m.
(only 3 stops)	(only 5 stops)

FOR RESERVATIONS: Call Your Travel Agent or VANderbilt 3-2580. Ticket Offices: 45 Vanderbilt Ave., and Rockefeller Center, 18 W. 49th St.

AMERICAN AIRLINES Inc.

Insiders' Outlook

"PYGMALION," the British-made picture which went begging for a release until M-G-M paid $150,000 for the distribution rights here, may become one of the prize films of 1938. Picture has averaged $2,000 a day at the Astor since its opening Dec. 8, and the daily gross never has fallen below $1,900, at a 65 cents top.

Its performance to date compares favorably with that of any good Hollywood product which plays Broadway on a grind policy at 55 cents top.

Veterans in the Loew's organization are no less surprised at the business being done by the picture than other Broadway observers. "Pygmalion" came to them to sell in pretty much the role of an unknown quantity. Nothing quite like it in "class" or "highbrow" screen material has been made or sold in this country to provide a precedent for selling and exhibiting it. It was a problem Loew's men had to start from scratch on, and they started with some misgivings. What houses would book it? What type of audience would it appeal to? Could it be sold only to the George Bernard Shaw followers and, if so, would they patronize a grind house? Could it be sold to the masses? On what policy?

Loew's started it off at the Astor with a benefit performance or German refugees sponsored by Nicholas M. Schenck, which netted $1,623. The plan was to follow this procedure in other cities; not selling to exhibitors but leasing a house for the run.

Whether "Pygmalion's" healthy performance at the Astor may change all this, remains to be seen. The Gabriel Pascal picture may be something that exhibitors will want.

▾ ▾

Walter Wanger urges complete withdrawal of American films from socalled "dictator nations" rather than submit to their censorship.

"The motion picture industry has refused to accept political dictatorship," Wanger said. "During 1938 the American industry has courageously preferred to withdraw its pictures from dictator nations rather than accept censorship of its own high ideals. Dictator nations showed their hand this year. Democracies will not cater to them. Neither will the influential and important motion picture industry.

"The industry must continue its political non-interference policy and help protect the right to liberty for which our forefathers sacrificed so much; the liberty we have all taken too lightly. We must make more important pictures; more pictures based on modern thoughts, moods and standards. We must support experimental pictures which advance our art. We must give the screen its proper importance and recognition."

▾ ▾

WHN, Loew-owned station here, is studying television possibilities in cooperation with Metro.

▾ ▾

League of N. Y. Theatres, which represents managers of Broadway legitimate plays and theatres, are negotiating a contract with the Building Service Employes Union. The League has agreed to recognition, and it is understood an agreement on terms is near.

▾ ▾

"Dawn Patrol" grossed $14,100 over Saturday and Sunday in its current runs at the Hollywood and Downtown, Los Angeles, according to official company claims. Figure at the first house was about $1,000 over that for the second on the two days. Performance is exceptional in view of heavy rainfall in Los Angeles over the weekend and the pre-holiday tapering off of theatre patronage. Picture was set for a second week at both theatres on the strength of the opening.

Erpi Adds Foreign Line

Erpi will distribute full lines of projection booth equipment in about 50 foreign territories for American manufacturers after Jan. 1, E. S. Gregg, Erpi foreign manager, said yesterday. The move is being made, Gregg said, to facilitate the purchase of supplies by foreign exhibitors.

★ *Fly United's DeLuxe* ★

MAINLINERS TO CHICAGO!

**8 fast flights daily—
all over shortest route!**

To CHICAGO — 4 hrs., 55 min.!

★ Mainliners are tops in luxury and comfort! Only United flies the famous deluxe Skylounge Mainliners on non-stop flights—leave 12:15 p.m. or 5:20 p.m. Low round-trip rates! Reservations: 58 E. 42nd St., MU. 2-7300. Or travel bureaus, hotels.

UNITED AIR LINES

★ The Main Line Airway ★

ITO Plans Second Giveaways Confab

Further discussion of the proposed elimination of cash giveaways in the New York metropolitan area will take place next Wednesday at a meeting of the exhibitor committee on giveaways recently appointed by Harry Brandt, president of the I. T. O. A.

Additional members who have been asked to serve on the committee are expected to attend. The committe[illegible]at representative of all exhibition [illegible]ments in Greater New York.

This will be the second meeting of the committee. At the first meeting, last week, it was decided to conduct a nationwide survey on the effect of elimination of cash giveaways and also of cities where they have not been used. This survey will shortly be started.

The proposed voluntary agreement will be discussed at a meeting of the I. T. O. A. today at the Astor. The organization's trade practice committee is scheduled to report rejection of the first draft of the distributors' proposals for a program of self-regulation.

Vitaphone's Troupe At Sing Sing Today

Sing Sing will be entertained this afternoon by the annual show of the Brooklyn Vitaphone studios. The studio contingent will give the performance from 4 to 6 P. M. Studio executives making the trip include Sam Sax, in charge; Lee Stewart Ed Savin, Arthur Leonard and Dick Willis, makeup man.

Entertainers include David Mendoza and the Vitaphone orchestra, Red Skelton, Edna Stillwell, Margy Taylor, Hal LeRoy, Rosie Moran, Rio Brothers, Evelyn Case, Valentine Vox and others.

Warner Managers Leave

Ten Warner theatre zone managers who attended a meeting yesterday at the home office return today to their territories. The meeting was conducted by Joseph Bernhard, general manager, with circuit and company executives sitting in.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

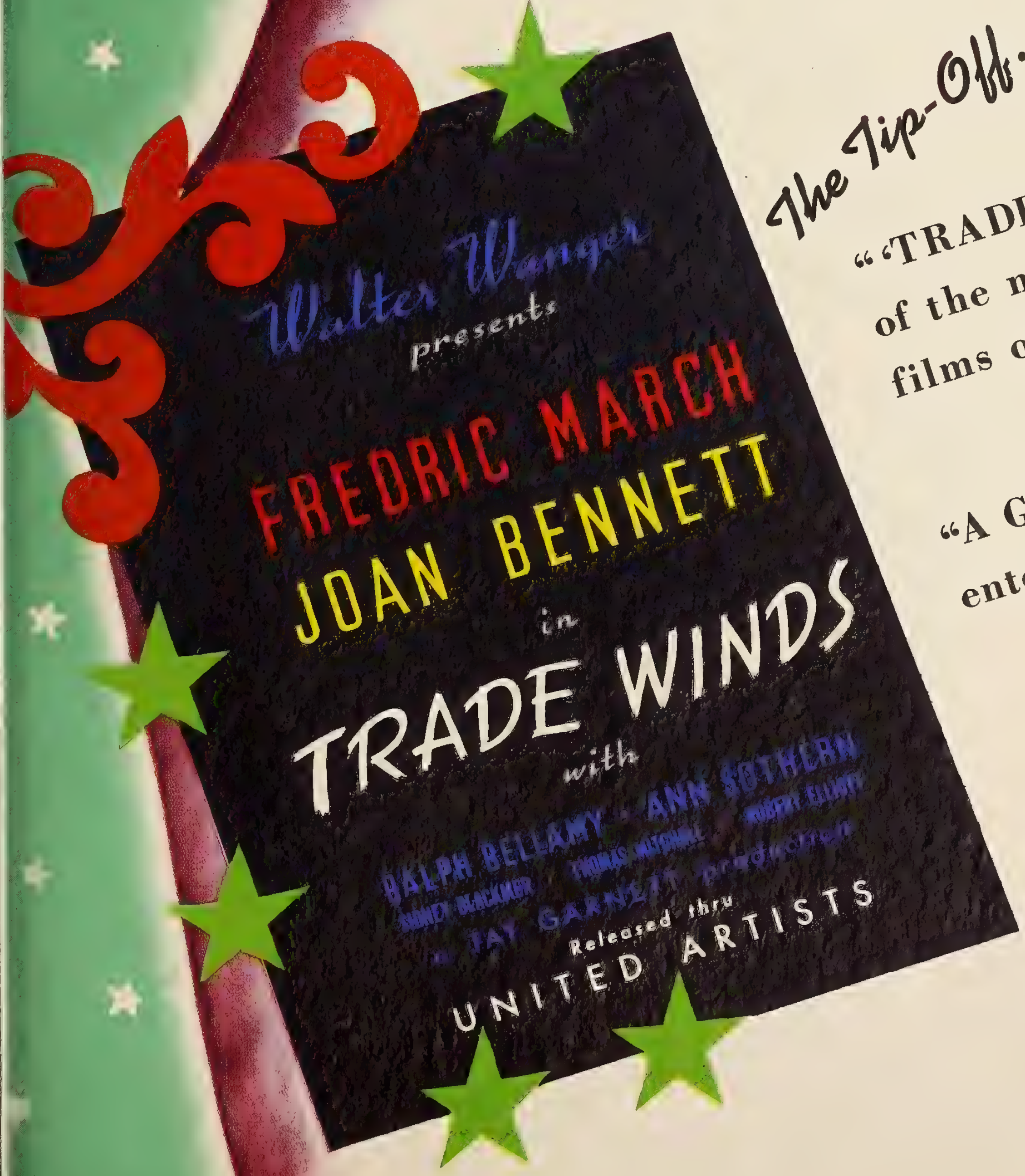
BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

. . . THE CURTAIN RISES ON ITS WORLD PREMIERE ENGAGEMENT

at the Aldine, PHILADELPHIA


Walter Wanger
presents
FREDRIC MARCH
JOAN BENNETT
in
TRADE WINDS
with
RALPH BELLAMY · ANN SOTHERN
SIDNEY BLACKMER · THOMAS MITCHELL · ROBERT ELLIOTT
a TAY GARNETT production
Released thru
UNITED ARTISTS

The Tip-Off...

"'TRADE WINDS' is one of the most entertaining films of the new season."
—*Philadelphia Inquirer*

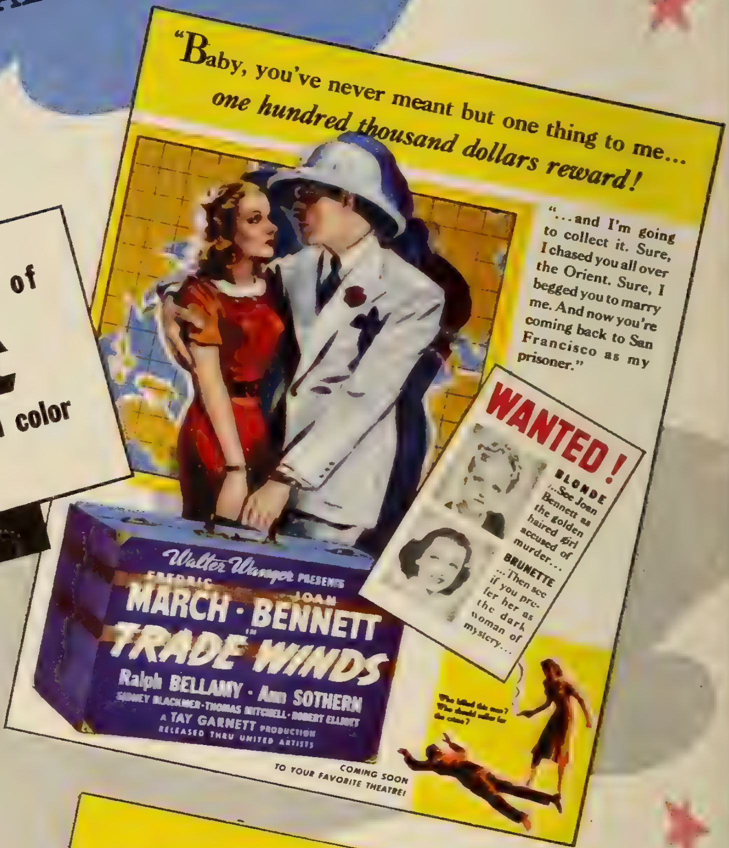
"A GOOD SHOW—and an entertaining one."
—*Philadelphia Record*

INTENSIVELY PRE-SOLD BY FULL PAGES IN NATIONAL MAGAZINES . . .

TRADE WINDS

BLASTS INTO 2,200,000 HOMES IN GALE OF NATIONAL ADVERTISING!

in the CHRISTMAS issue of
LOOK
full page, back cover, in full color



"Baby, you've never meant but one thing to me...
one hundred thousand dollars reward!

"...and I'm going to collect it. Sure, I chased you all over the Orient. Sure, I begged you to marry me. And now you're coming back to San Francisco as my prisoner."

WANTED!

BLONDE ...See Joan Bennett as the golden haired girl accused of murder...

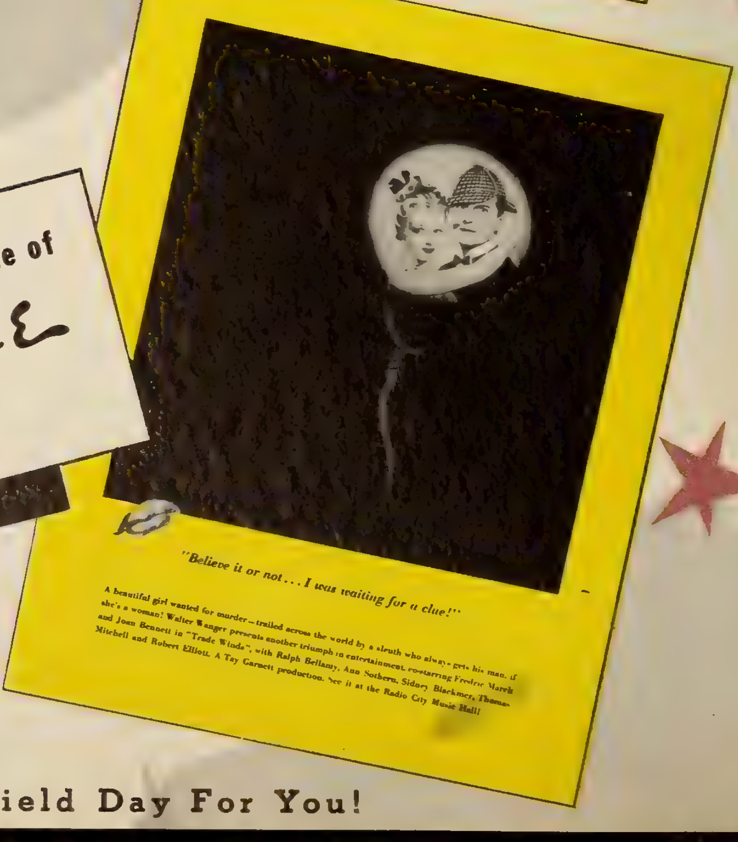
BRUNETTE ...Then see if you prefer her as the dark woman of mystery...

Who killed this man? Who should suffer for the crime?

Walter Wanger PRESENTS
FREDRIC MARCH · JOAN BENNETT
in
TRADE WINDS
Ralph BELLAMY · Ann SOTHERN
SIDNEY BLACKMER · THOMAS MITCHELL · ROBERT ELLIOTT
A TAY GARNETT PRODUCTION
RELEASED THRU UNITED ARTISTS

COMING SOON TO YOUR FAVORITE THEATRE!

in the CHRISTMAS issue of
Esquire
full page



"Believe it or not . . . I was waiting for a clue!"

A beautiful girl wanted for murder—trailed across the world by a sleuth who always gets his man, if she's a woman! Walter Wanger presents another triumph in entertainment, co-starring Fredric March and Joan Bennett in "Trade Winds", with Ralph Bellamy, Ann Sothern, Sidney Blackmer, Thomas Mitchell and Robert Elliott. A Tay Garnett production. See it at the Radio City Music Hall!

U. A.'s Holiday Attraction Will Be a Field Day For You!

LITHO L S

Commons-Wilcox Assail Quota Act

(*Continued from page 1*)

who originally sought the inquiry, and that a decision would be made soon.

Herbert Wilcox, at a recent luncheon to the trade press, put the blame for the dearth of production in London upon the British quota. According to Wilcox, British banks and financial institutions have been virtually closed to the British film industry for two years. To Wilcox it seems that the British industry will be revived by arrangements between British producers and major American companies, similar to that which he has concluded with RKO.

Deplores American Apathy

Wilcox also deplored the apathy of American exhibitors to English pictures. In this view he was supported by Ned E. Depinet, RKO's distribution chief, who was Wilcox's host at the luncheon. "Sixty Glorious Years," which stars Anna Neagle and was produced by Herbert Wilcox, was not outstanding from the point of the box-office in its run at the Radio City Music Hall. Wilcox believes that the British Empire, due to language considerations, offers American producers the best part of the American market, a fact not to be gainsaid by anybody. He also feels that Canada and South Africa, additional to the United States, could do more for British films.

Famous Players of Canada Shows Gains

TORONTO, Dec. 20.—According to an interim report of Famous Players Canadian Corp., gross theatre attendance, as reflected in gross revenue of the company, will have a slight margin at the end of the current calendar year as compared with 1937. It is estimated that net profit for the year ending Dec. 31 will be higher than the $861,646 which was recorded one year ago after payment of all charges, this being equal to $2.10 a share of common stock.

Business during 1938 has been spotty. Returns for the first quarter were considerably above those for the same period of 1937; the second period was lower and the third quarter of 1938 about broke even with that of the year before, while the final quarter is expected to be well ahead of the last three months of 1937. Some of this gain can be attributed to the Greatest Year campaign of the industry.

No major changes in the physical properties of the Canadian circuit have taken place this year. While several new theatres have been opened and additional houses secured, others have been closed with the result that the extent of the circuit remains virtually unchanged for 1938.

Abandon Daylight Saving

TORONTO, Dec. 20.—The electorate of Smiths Falls, Ont., has voted to abandon daylight saving starting next year, as the result of a long discussion in which the City Council referred the question to the people.

National Anthem Idea Spreading

All houses in the Five-Boro and Interboro Circuits will introduce the program each day with the playing of "The Star Spangled Banner" prior to the first show. The plan will go into effect as soon as appropriate trailers are ready.

Warner Theatres recently instituted the practice of playing the national anthem in all houses of the circuit throughout the country.

'Angels' 4 Weeks May Hit $170,000

Total estimated receipts for four weeks of "Angels With Dirty Faces" at the Strand is expected to reach $170,000. Fourth week, which ends tomorrow, will probably gross $33,000. "Thanks for the Memory" brought an estimated $24,000 at the Paramount.

Lineup for the holiday weekend finds "Artists and Models Abroad" at the Paramount, "Dawn Patrol" at the Strand, "Beachcomber" at the Rivoli, "Sweethearts" at the Capitol, "Kentucky" at the Roxy, "A Christmas Carol" at the Music Hall, "Heart of the North" at the Rialto and "Blondie" at the Criterion.

Ohio Theatres Fear Revival of 10% Levy

COLUMBUS, O., Dec. 20.—Ohio exhibitors are looking forward with some apprehension to what may happen when incoming Governor Davey reconvenes the legislature in extraordinary session between Christmas and New Year's. Their fears are concerning what may be done about the existing three per cent gross admission tax, part of the general sales tax structure.

New taxes are inevitable and it is feared that the previous straight 10 per cent impost may be reinstated.

Schwartz Is Receiver

Creditors of Film Automatic Machine Corp. have been directed to present their claims to Edward Schwartz, receiver, by Federal Judge Guy L. Fake, in the U. S. District Court in Newark. Schwartz was appointed receiver on petition of Abraham Axelrod, assignee of Harran, Inc.

Kincey Gives Bonus Of 3 Weeks' Salary

CHARLOTTE, Dec. 20.—Herbert F. Kincey, president of North Carolina Theatres, Inc., has given a Christmas bonus of three weeks' salary to each of the 400 employes of the circuit. A banquet at the Robert E. Lee Hotel was given by Kincey for 150 managers and their wives.

Fairbanks, Baillie To Attend UA Meet

LONDON, Dec. 20.—Douglas Fairbanks, Sr., and Sir Adrian Baillie, financial associate of Fairbanks in his new production activities, will sail for New York around Jan. 1 to attend a United Artists producers' conference in Hollywood. Montague Marks, also associated with Fairbanks, is in Hollywood now and will remain there for the conference, which will be attended by all producers associated with United Artists.

In addition, Fairbanks will attend the annual meeting of United Artists stockholders in Hollywood, Jan. 12.

Mary Pickford leaves New York Friday for New Orleans and will go to the coast from there about Jan. 1 to attend the annual meeting of U. A. stockholders. Alexander Korda, Samuel Goldwyn and Charles Chaplin, other U. A. owners, are on the coast now.

Para. Cuts Drama School

HOLLYWOOD, Dec. 20.—Paramount will discontinue its stock company dramatic school on Jan. 12 when Oliver Hinsdell, drama coach, finishes his contract and leaves the studio. In place of the school, Paramount will hire coaches for individual players when needed.

Hugh Herbert Injured

HOLLYWOOD, Dec. 20.—Hugh Herbert and Frankie Van, a standin, were hurt today in a three-car automobile smash. Injuries were reported as slight.

N. J. Allied Meets Today

Allied of New Jersey will meet tomorrow at Passaic, in line with the unit's plan to hold one meeting a month in a New Jersey spot. Others are held in New York.

The Newsreel Parade

President Roosevelt, Ambassador Kennedy, Secretary Hull and Anthony Eden share the newsreel spotlight in the new issues, out yesterday. Miami open golf tournament and the C. C. N. Y. vs. Oregon basketball game comprise the sports coverage. The reels and their contents follow:

MOVIETONE NEWS, No. 29—Nations meet in Lima. Roosevelt at Schrine dedication. Garner in Washington. Kennedy returns home. Berengaria makes last voyage. French student uprising. Society benefit show. Golf tournament. Basketball game.

NEWS OF THE DAY, No. 227—Coster case. Envoys' children extend greetings. Kennedy back from England. Benefit fashion show. Hull speaks at conference. Golf tournament. C. C. N. Y. wins.

PARAMOUNT NEWS, No. 40—Basketball games. Roosevelt at memorial ceremony. Eden visits Al Smith. Gas-proof carriage protects English children. Decorate French dolls. Kennedy reports home. Hull speaks at conference. Musica brothers exposed. Holiday cheer in Washington.

RKO PATHE NEWS, No. 44—Coster case. Kennedy arrives as Eden leaves. Golf tournament. Roosevelt at Jefferson memorial. French students demonstrate. Unknown Soldiers Tomb ceremony. Pan-American conference. Basketball games.

UNIVERSAL NEWSREEL, No. 729—Coster case. Hull speaks at Lima. Kennedy returns. Eden sails for England. Soldiers return from Spain. French students oppose Italians. Ambassadors' children in Washington. Basketball games. Miami golf tournament.

Fine Arts to Make 32 G. N. Features

Fine Arts Pictures will contribute 32 features to Grand National's current season's schedule of 36 under an agreement reached yesterday by Earle W. Hammons, Educational-Grand National head, and Franklyn Warner, head of Fine Arts.

Apparently, arrangement means that Educational will produce no features this season for Grand National release, as contemplated when the company's schedule of 44 features was announced originally, two months ago. The 32 from Fine Arts are six more than were announced at that time from this company. The remaining four will come from other Grand National producers.

Patching up of the Fine Arts-Grand National rift was accomplished in Hollywood by Loyd Wright, former co-trustee of Grand National, and Warner. The latter agreed several weeks ago to accept an offer from Hammons for Fine Arts' assets when differences between the two brought about the rift. The deal, however, was not consummated.

Philadelphia Judge Hits Negro Pickets

PHILADELPHIA, Dec. 20.—Members of the North Philadelphia Civic League, a Negro organization, were severely criticized by Judge Millar today for their action in picketing a theatre which it is alleged resulted in the discharge of three white men. Although he denied the three an injunction, Judge Millar told counsel for the Negro group that there was nothing to justify them in saying that somebody ought to be discharged because he is white.

Murray Diamond, proprietor of the theatre, denied that he had been coerced by the league into discharging the men, Earl J. Matthews, Charles Dinlocker and Leroy Mundy.

Friedman, Rubin on Stand in Loew Suit

Leopold Friedman, Loew's secretary; J. Robert Rubin, vice-president, and William L. Keating, of Miller, Donaldson & Co., accountants, were witnesses yesterday in the minority stockholders' suit against Loew's in the N. Y. Supreme Court. Testimony centered around valuation of company.

Appeal "Puritan" Ban

ALBANY, Dec. 20.—Board of Regents today received notice of appeal from Lenauer International Films on "The Puritan," French film rejected recently by Irwin Esmond, chief film censor of New York State. The film will be screened and the appeal heard in New York City early in January by Susan Brandeis, Gordon Knox Bell and George Ryan.

Spitz Off to Chicago, Then Goes to Florida

After a fortnight in New York, Leo Spitz leaves today for Chicago, accompanied by Mrs. Spitz. They will likely remain in the Windy City for several days and spend Christmas there, before going to Florida.

Reviewing the Latest in Short Subjects

"Home on the Rage"
(Columbia)

Andy Clyde finds his real estate business and his home life complicated by the presence of an ambitious brother-in-law. Some amusing scenes develop when he misunderstands a conversation and believes that poison intended for his dog is meant for him. Running time, 17 mins. "G."*

"Province of Quebec"
(Columbia)

The Old World flavor of Quebec is captured in this color subject. Done in the usual style of travelogues, it introduces the cities of Montreal and Quebec and provides a quick glimpse of the surrounding country. Running time, 10 mins. "G."*

"Ski Rhythm"
(Columbia)

Winter sports are back and this timely reel shows some of the world's master skiers in action. One graphic shot catches a party of ski enthusiasts cutting figure eights in the snow. Set in the Alps, the subject should prove attractive. Running time, 10 mins. "G."*

"Vyvyan Donner's Fashion Forecast"
(20th Century-Fox)

Much more than the usual production effort and value has gone into this short subject with results which mark it above the average in about the same proportion. It is a display of fashions for winter resorts—both north and south—modelled by a selected group of 25 professionals, each of whom has been a winner in some beauty or models' contest. Ilka Chase, well known stage actress, does an amusing narration, entertaining as well as descriptive. Natalie Kalmus supervised the color work, which, in itself, is distinctive. Camera work is excellent.

The subject well merits separate billing on any program.

Running time, 10 mins. "G"

"Treacherous Waters"
(Warners)

Floyd Gibbons in one of his less exciting "True Adventures." Story deals with three youngsters enamored of fishing and railroad engineering. Fishing from a makeshift pier in a river with a swift and treacherous current, two of the boys are plunged into the water when the pier collapses. A railroad engineer, seeing the accident, brings his train to a halt and rescues one of the lads before getting mired in quicksand. He entreats the other youngster to swim out and rescue the other boy. Follows a shift to the present, and Gibbons introduces the hero, now a veteran train engineer. Running time, 10 mins. "G."*

'Swingtime in the Movies'
(Warners)

Theatregoers and showmen will welcome this color subject. It pokes broad but good-humored fun at Hollywood generally, but more particularly it satirizes the musical westerns. Fritz Feld plays the part of a screwball director with delightful lack of restraint. It is a laugh winner. Plenty of funny action, plus various song and dance numbers. Warner takes smart advantage of its stars by showing them dining in the commissary. Crane Wilbur directed. Running time, 18 mins. "G."*

"Two Boys and a Dog"
(Paramount)

A Grantland Rice Sportlight of horseback riding in the west. Two boys, accompanied by their terrier, spend several days camping, making photographs of wild life, killing a coyote and ending up at a rodeo. Ted Husing describes and explains the action. Interesting. Running time, 10 mins. "G."*

"You're an Education"
(Warners)

A "Merrie Melody" cartoon which is set in a travel agency. The characters skip from country to country via the travel folders. The color job is excellent and the music provides a tuneful background. Running time, 7 mins. "G."*

"Getting Your Money's Worth, No. 2"
(Lenauer International)

Second of this series, this subject recounts pictorially, the pseudo values put on certain products of popular merchandise, such as face powder, face creams, razor blades, and similar articles. The subject makes the contention that less expensive articles are just as good as those with fancy packages and higher prices. Interesting material. Running time, 11 mins. "G."*

"A Song Is Born"
(Paramount)

To the popular series of swing band shorts, Paramount adds one with an original score. Larry Clinton and his band play four tunes written specially for the film, "Love Doesn't Grow on Trees," 'I Fell Up to Heaven," "Heart and Soul" and "The Devil With the Devil." Ford Leary and Bea Wain sing. Should please. Running time, 10 mins. "G"*

"Timber Toppers"
(20th Century-Fox)

Training of thoroughbreds as jumpers and show horses supplies interesting camera material for this subject. Routine of training from first lesson to prize-winning performances in the show ring is pictured, with Ed Thorgersen's running description making every step understandable to the uninitiated. Photography is exceptionally good. Running time, 11 mins. "G"*

"Count Me Out"
(Warners)

In this "Merrie Melody" cartoon, Elmer, absorbed with puglistic ambitions, enrolls with a correspondence school for a mail order course in prize fighting. Following a training period Elmer dreams he is fighting the champ, and what happens to him causes him to dump his fighting paraphernalia out the window. It's faintly amusing. Running time, 7 mins. "G."*

"Viking Trail"
(20th Century-Fox)

Norway's fjords, coastal and Arctic Circle scenery, village life and native customs get the attention of the Magic Carpet of Movietone in this addition to the series. The subject is up to the standard of its predecessors in pictorial charm, photography and narration, by Lowell Thomas, which means that it should prove highly satisfactory to the travel-minded everywhere. Running time, 10 mins. "G."*

"Gadgeteers"
(Warners)

Warren Ashe and his charming secretary from musical comedy, Marjorie Stafford (Ford), decide to invest their money in the manufacture of gadgets. Before doing so, they spend 10 hilarious minutes looking over the latest developments. The newest in eating implements, medicine cabinets and automobile tires that print advertisements as they roll, engage their attention. Highly entertaining. Running time, 10 mins. "G"*

"Frosty Frolics"
(Lenauer International)

The delights of winter sports at St. Moritz, Switzerland, are caught by the camera in this subject, which pictures effectively skating, skiing and general winter sports. However, the subject contains little that has not been shown before, many times. Running time, 11 mins. "G."

"On with the New"
(Fleischer-Paramount)

Betty Boop finds work in a restaurant too difficult and obtains a position in a baby nursery. However, the tots provide too much excitement and she is glad to get her old job back. The animation is fast and the action amusing. Running time, 7 mins. "G."*

"Unusual Occupations L8-3"
(Paramount)

A roof thatcher, a woman who makes feminine accessories from fish nets, a Mexican metal sculptor, a man who makes crazy quilts from tobacco sacks, and a visit to Madame Tussaud's wax works are included in this issue, done, as usual, in color. Warren William steps in to demonstrate gadgets of his own invention. Should prove attractive, especially for the Warren William fans. Running time, 11 mins. "G."*

"Mutts to You"
(Columbia)

The Three Stooges operate a dog washing establishment and become involved in a kidnapping. A machine which washes the canines will provide some laughs, especially when it is used for babies, and, as a whole, this comedy reel is amusing. Running time, 18 mins. "G."*

"Oh Say, Can You Ski?"
(Paramount)

Although most ski films emphasize the grace and beauty of skiing, this one shows how it's done. A group of novices set out for Sun Valley, Idaho, where they start a 10-day class to learn the art of skiing. Action and narration teach the fine points. [illegible] color is good but the night shots, also in color, are outstanding. An unusual item. Running time, 10 mins. "G."*

"Dave Apollon and Orch."
Warners)

A typical musical short subject, with all the implications that go with that classification. A foreword tells the audience that instead of Screeno, a new game, Bando, will be introduced, and thereafter Apollon's orchestra plays tunes whose titles come up on a spinning wheel. Aunt Jemima and Bobby Graham appear with the orchestra. Running time, 11 mins. "G."*

"Porky the Gob"
(Warners)

Leon Schlesinger's stuttering Porky again goes through a series of amusing adventures, this time as a sailor on a battle cruiser. On the high seas, Porky's menagerie companions take off by plane to hunt a pirate sub, leaving Porky in sole charge of the ship. Follows a battle scene wherein Porky single-handedly captures the sub. The animation is excellent. Running time, 7 mins. "G."*

"Nature's Mimics"
(Warners)

An assemblage of oddities presenting various animals going through their paces. Presentation is in color and the sequences are routine, with seals juggling, bulls racing, monkeys performing in the zoo, etc. A sequence showing pigeons doing tricks is the most interesting feature in the reel. Running time, 10 mins. "G."*

'Little Moth's Big Flame'
(Columbia)

In this Color Rhapsody, young Miss Moth is attracted to Mr. Flame. She is enticed into his apartment and while there her wings are singed. When she returns in the early morning hours, her father seeks vengeance. Well done, with exceptionally good use of the color medium. Running time, 8 mins. "G."*

"The Washington Parade, No. 1"
(Columbia)

Some of the details of the mechanics of government are explained in this interesting and educational subject. Taken on a trip through some sections of the nation's capitol, we see Congress in session, an underground railway, the Lincoln Memorial, Supreme Court Building, Bureau of Standards, the Treasury and the Department of Justice. Running time, 10 mins. "G."*

"G" denotes general classification.

'INSIDE THE WHITE HOUSE'*

Never did a single reel tell a more exciting marquee story! All the things all Americans want to know about FDR's house...about the seat of government in the greatest of all democracies! The grandest reel of its kind ever made... topping the smash appeal of "WASHINGTON, D. C.", No. 1 of the series, now playing!

A COLUMBIA PICTURE

A Single Reel Classic!

Released January 6

Story by

HARRY NEWMAN

Publisher — Editorial Director of "THE JUDGE" Magazine, the man who knows all the ins and outs of Washington!

No. 2 in THE WASHINGTON PARADE Series of Shorts!

"Angels" Hits Strong $8,800 In Minneapolis

MINNEAPOLIS, Dec. 20.—Best grosser in Minneapolis was "Angels With Dirty Faces" at the Orpheum with $8,800. "The Citadel" was good for $6,000 at the State and the "Dracula"-"Frankenstein" combination did a strong $4,200 at the Aster.

In St. Paul best business getter was "The Citadel" at the Paramount with $3,500, while again "Dracula"-"Frankenstein" did well, reaching $3,000 at the Tower.

Estimated takings for the week ending Dec. 15:

Minneapolis:

"Dracula"
"Frankenstein" (Univ.)
ASTER—(900) (15c-25c) 7 days. Gross: $4,200. (Average, $1,500)

"Say It in French" (Para.)
CENTURY—(1,600) (25c-40c) 7 days. Gross: $2,600. (Average, $4,000)

"Garden of the Moon" (W. B.)
GOPHER—(990) (25c) 7 days. Gross: $2,300. (Average, $3,000)

"Angels With Dirty Faces" (W. B.)
ORPHEUM—(2,900) (25c-40c) 7 days. Gross: $8,800. (Average, $4,800)

"The Citadel" (M-G-M)
STATE—(2,300) (25c-40c) 7 days. Gross: $6,000. (Average, $4,400)

"Moonlight Sonata" (Foreign)
WORLD—(400) (25-55c) 7 days, 3rd week. Gross: $1,300. (Average, $1,600)

St. Paul:

"Submarine Patrol" (20th-Fox)
ORPHEUM—(2,000) (25c-40c) 7 days. Gross: $2,500. (Average, $3,200)

"The Citadel" (M-G-M)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: $3,500. (Average, $4,400)

"Hard to Get" (W. B)
RIVIERA—(1,000) (25c) 7 days. Gross: $1,800. (Average, $2,400)

"Dracula" (Univ.)
"Frankenstein" (Univ.)
TOWER—(1,000) (25c) 7 days. Gross: $3,000. (Average, $1,600)

"The 39 Steps" (G. B.)
WORLD—(400) (25c-35c) 7 days. Gross: $700. (Average, $700)

'Citadel'$20,500 Is Washington Winner

WASHINGTON, Dec. 20.—"The Citadel" was the only downtown attraction to take a profit, returning $20,500 at Loew's Palace. Other houses felt the shopping rush and were content to break even on the week.

Estimated takings for the week ending Dec. 15:

"Dramatic School" (M-G-M)
LOEW'S CAPITOL—(3,434) (25c-65c) 7 days. Stage: Collins & Peterson, Boy Foy, Chester Hale Girls. Gross: $14,000. (Average, $16,500)

"If I Were King" (Para.)
LOEW'S COLUMBIA—(1,243) (25c-40c) 7 days, 2nd week. Gross: $4,200. (Average, $4,200)

"The Citadel" (U. A.)
LOEW'S PALACE—(2,370) (25c-55c) 7 days. Gross: $20,500. (Average, $11,500)

"Little Tough Guys In Society" (Univ.)
RKO-KEITH'S—(1,836) (25c-40c) 7 days. Gross: $6,500. (Average, $10,000)

"Comet Over Broadway" (W. B.)
WARNERS' EARLE—(2,218) (25c-66c) 7 days. Stage: Tom Howard, George Shelton Roxyettes. Gross: $11,800. (Average, $16,000)

"Angels With Dirty Faces" (W. B.)
WARNERS' METROPOLITAN — (1,591) (25c-40c) 7 days, 2nd week. Gross: $4,100 (Average, $4,000)

Form Medical Newsreel

DOVER, Dec. 20.—Medical Newsreel, Inc., has been formed here to deal in motion pictures with a capital of $25,000. D. Tredwell Harrison, Amityville, N.. Y., Walter A. Byrnes, Bayside, N. Y., and Elizabeth T. Crow of New York City are the incorporators.

Hollywood Previews

"Going Places"

(Warners)

HOLLYWOOD, Dec. 20.—This is, as advertised, a modern version of "The Hottentot," the play by Victor Mapes and William Collier, Sr., which was a best-selling picture several years ago with Douglas MacLean doing the involuntary steeplechase riding. The present screenplay, altered slightly in behalf of laughs, is by Sig Herzig, Jerry Wald and Maurice Leo, and the present rider is Dick Powell. The story has the advantage of modern technique, narrational as well as mechanical, and the presence of such players as Allen Jenkins, Walter Catlett, Anita Louise, Harold Huber, Ronald Reagan and—most particularly—Louis Armstrong and his trusty trumpet. Maxine Sullivan also appears, but is given little footage in which to swing her stuff.

Benjamin Glazer produced this version and Ray Enright directed. They have relied upon individual comedy hits and sequences somewhat more than upon story, but the plot is by no means neglected and the hair-raising steeplechase which is the story's big incident is as headlong and exciting as the hightly successful original, plus music.

Music and lyrics are by Harry Warren and Johnny Mercer, outstandings among them "Jeepers Creepers," an integral part of the plot and a distinctly whistleable tune. There are three others, including one formal comedy number put across to Hollywood satisfaction by four male principals. Powell does relatively little singing in the film. "Mutiny in the Nursery" is an opulent production number sung and danced by colored and white principals in alternation. Here and elsewhere dusky, gusty Armstrong is the dominant entertainer.

The story, it will be recalled, is about a sporting goods salesman who poses as a famous gentleman jockey and is forced to ride a fractious steed to prove himself.

Running time, 85 minutes. "G."* ROSCOE WILLIAMS.

"Charlie Chan in Honolulu"

(20th Century-Fox)

HOLLYWOOD, Dec. 20.—"Charlie Chan in Honolulu" is probably the most important of all the "Chans," oldest of the "series" pictures. It is of uncommon commercial significance because in it Sidney Toler succeeds Warner Oland, creator of the role, and San Yung replaces Keye Luke, who was important in several of the immediately preceding pictures. Neither actor, guided by his own sense of things and skillfully directed by H. Bruce Humberstone, attempts to ape the characterizations evolved by his predecessor.

Other than the novelty of the two new players, "Charlie Chan in Honolulu," for which Charles Belden prepared the screenplay, follows the established "Chan" formula closely. In substance the story is mystery, melodrama and comedy. All action takes place aboard a liner in Honolulu harbor. A man has been killed and Yung, anxious to be a detective himself and to help his father, begins preliminary investigation of the case. His efforts serve to complicate things seriously and to place himself and his younger brother, Layne Tom, Jr., in danger. Toler, who has been awaiting the birth of a grandchild, eventually comes into the case. Then, although he has a multiplicity of suspects before him, and a bewildering array of motives, Toler, through the application of Oriental shrewdness and detective acumen, traps the culprit. He, of course, is the one least suspected.

The list of suspects includes Phyllis Brooks, John King, Claire Dodd, George Zucco, Robert Barrat, Marc Lawrence and Richard Lane. Specialty comedy is contributed to the piece by Eddie Collins.

Running time, 65 minutes. "G."* G. McC.

**"G" denotes general classification.*

Howard in Cincinnati

CINCINNATI, Dec. 20.—Jack Howard, president of Scripps-Howard Radio, Inc., is in town conferring with officials of WCPO, *Cincinnati Post* station.

Aley, Exhibitor, Ill

KANSAS CITY, Dec. 20.—M. J. Aley, who owns and operates the Princess, Eureka, Kan., is ill at the Halstead, Kan., hospital following an operation last week.

Mrs. Walton KC Censor

KANSAS CITY, Dec. 20. — Mrs. Eleanore C. Walton, who has been assistant film censor for Kansas City, a number of years, has been named censor, succeeding the late Guy Holmes.

Para. Signs Miss Angelus

Muriel Angelus, English singing actress now on Broadway in "The Boys From Syracuse," has signed a Paramount contract.

'Angels' in Third Week Tallies Big $5,000, Cleveland

CLEVELAND, Dec. 20.—"Angels With Dirty Faces," playing a third week at the Allen, again held top spot, doing $5,000.

Bob Crosby and his "Bobcats" on the RKO Palace stage, coupled with "Listen Darling" on the scre[illegible] brought $16,000.

Weather was perfect. Christmas shopping and free department store attractions for children proved heavy competition.

Estimated takings for the week ending Dec. 16, 1938:

"Angels With Dirty Faces" (W. B.)
ALLEN—(3,000) (30c-35c-42c) 7 days, 3rd week. Gross: $5,000. (Average, $4,000)

"Thanks For Everything" (20th-Fox)
WARNERS' HIPPODROME—(3,800) (30c-35c-42c) 7 days. Gross: $8,500. (Average, $12,000)

"Listen Darling" (M-G-M)
RKO PALACE—(3,100) (30c-42c-55c) 7 days. Stage: Bob Crosby and his "Bobcats." Gross: $16,000. (Average, $15,000)

"The Cowboy and the Lady" (U. A.)
LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: $11,000. (Average, $13,000)

"Thanks for the Memory" (Para.)
LOEW'S STILLMAN—(1,900) (30c-35c-42c) 7 days. Gross: $2,000. (Average, $4,000)

'Secrets' $9,700; Holiday Hits K.C.

KANSAS CITY, Dec. 20.—Pre-holiday shopping put skids under grosses for a poor week, though Henry Busse and "Secrets of a Nurse" took $9,700 at the Fox Tower. Weather was cold but clear.

Estimated takings for the week ending Dec. 14-15:

"Say it in French" (Para.)
NEWMAN—(1,900) (25c-35c-55c) 8 days. Stage: National Barn Dance with Lulu Belle, Skyland Scotty, Pat Buttram, Christine Smith, Verne Lee & Mary, Hayloft Dancers, Fiddlers, etc. Gross: $8,200. (Average, $9,000)

"Up the River" (20th-Fox)
ESQUIRE—(800) (25c-40c) 8 days. Gross: $1,800. (Average, $3,500)

"Young Dr. Kildare" (M-G-M)
"Cipher Bureau" (G. N.)
MIDLAND—(4,000) (25c-40c) 7 days. Gross: $8,000. (Average, $11,500)

"Angels with Dirty Faces" (W. B.)
ORPHEUM—(1,500) (25c-40c) 7 days, 3rd week. Gross: $4,800. (Average, $5,000)

"Secrets of a Nurse" (Univ.)
FOX TOWER—(2,200) (25c-40c) 7 days. Stage: Henry Busse & Orchestra. Gross: $9,700. (Average, $7,000)

"Up the River" (20th-Fox)
UPTOWN—(2,000) (25c-40c) 8 days. Gross: $2,300. (Average, $4,500)

Carolina Town Plans Censorship of Films

GASTONIA, N. C., Dec. 20.—City Attorney Ernest R. Warren has been instructed by the City Council to draw up an ordinance forbidding indecent, immoral or salacious vaudeville, stage attractions, films or indecency in any form of entertainment in Gastonia.

Councilmen are slated to pass the ordinance at their next meeting in January. The mayor will appoint a board of censors to exercise power over stage and film attractions as soon as the ordinance is passed.

Al Bloom Gets GN Post

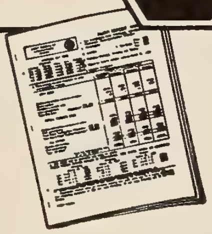
SEATTLE, Dec. 20.—Al Bloom has been appointed manager of the Grand National exchange here, effective this week.

Are YOU getting FULL MEASURE for your advertising dollar?

You buy sugar by the pound . . coal by the ton . . electricity by the kilowatt . . and if you are wise, you buy advertising space by an equally accurate measure

the ABC REPORTS

ABC



TODAY more than ever, successful advertising depends on careful selection of media.

To judge a publication's worth without knowing exactly the nature and extent of its circulation, is as unbusinesslike and wasteful as buying coal without a standard of weight.

For any publication . . . newspaper, farm paper, business paper, magazine . . . the true measure of advertising value is NET PAID CIRCULATION. How much is there? Where is it? How was it obtained? A.B.C. reports answer these questions completely. They give verified information on the *quantity*, and an important index of the *quality* of circulation.

Always make A.B.C. reports your starting point in buying advertising space. If you do not have the latest A.B.C. report on any publication in which you may be interested, ask for it. Demand it. Study it. Then, judge soundly how the circulation fits in with your sales program.

Our A.B.C. report is ready for all advertisers. Ask for it today!

MOTION PICTURE HERALD

An A. B. C. Publication

A.B.C. = Audit Bureau of Circulations = FACTS as a yardstick of advertising value

Radio Personals

BASIL RATHBONE and Benita Hume will be guests on the "Kraft Music Hall" tomorrow at 10 P. M. on NBC-Red. . . . Ruth Fair, script writer, will be guest of "Quaker Party" on Saturday at 8 P. M. . . . Lew Danis will continue appearances on "Road to Fame" over WMCA. . . . Dorothy Duncan, radio copy writer for Compton Advertising agency weds George C. Zeller, of *Cosmopolitan Magazine* advertising staff, tomorrow. . . . Franchot Tone will be starred on "Kate Smith's Variety Hour" over CBS Dec. 29.

+

Geraldine Farrar will make a short address and sing one of her own compositions between acts of "Lucia di Lammermoor" over NBC-Red Saturday at 1:55 P. M. . . . Richard Bonelli, Metropolitan Opera tenor, will be soloist on the "Sunday Evening Hour" on CBS at 9 P. M. . . . Tommy Dorsey will bring a singing octette, "The Pied Pipers" to his program over NBC-Red at 8:30 P. M. on Dec. 28. . . . Leslie Allen, singer, and Marie Pons, mother of Lily Pons, arrive on the *Champlain* today. . . . Margaret Brayton celebrates her third year on CBS with Joe Penner this week. . . . "Lum and Abner" expect to appear in the comic strips shortly if negotiations with a newspaper syndicate are successful. Ethel Barrymore will be heard on the Kate Smith hour over CBS tomorrow at 12 noon. . . . Dickie Moore, from the films, will do a Christmas play with Joe E. Brown over CBS at 7:30 Saturday.

Bailey Gives Dinner

CINCINNATI, Dec. 20.—Approximately 50 radio executives, newspaper editors and trade paper representatives attended the dinner given by William Bailey at the Netherland Plaza in honor of his recent promotion from press relations director of WLW-WSAI to editor of the newsroom of the two stations.

Gluck in Housing Post

CHARLOTTE, N. C., Dec. 20.—Earl Gluck, general manager of WSOC, here, has been named by Mayor B. E. Douglas as a member of the local housing authority. He will serve for a term of four years.

Nichols on WQXR

Dudley Nichols, former president of the Screen Writers' Guild, will be interviewed by Sidney Kaufman, WQXR film critic, tomorrow at 8:45 P.M. Subject for discussion is "Films for Democracy."

Radio Legislator

Albany, Dec. 20.—Sole legislator in the east to be listed as a radio announcer and news commentator is State Senator-elect Phelps Phelps. who resides at the Hotel New Yorker and is heard over WMCA. New clerk's manual, just issued by the State of New York, eredits Phelps as an announcer.

Reverse English

Jim O'Hara, of the *N. Y. Daily News* composing room, will have the privilege of spelling words backwards when he appears on the "Energine Spelling Bee" over NBC-Red Christmas Day. O'Hara is compelled to read backwards in his work and can spell better that way. Other members of the *News'* team, which will oppose a group of professional women, will be Robert B. Sullivan, copy reader, Russ Symontowne, rewrite man and assistant city editor, Heizer Wright, copy reader, and Jack Purcell, junior reporter.

BBC Anticipates $5,000,000 Gain In 1939 Revenue

LONDON, Dec. 20.—British Broadcasting Co. is expected to show an increase of approximately $5,000,000 during 1939, it has been unofficially but authoritatively indicated here.

The company, Government-controlled, derives its revenue from Treasury deductions from radio licenses, and money collected by the General Post Office. The Post Office, which levies a license fee of 10 pence on every radio set, in the future will lower the fee to two pence per receiving set.

Monopoly Suit Filed

Suit charging conspiracy to form a monopoly in the field of manufacture and sale at wholesale of radio receiving sets was filed in the Federal Court yesterday against Majestic Radio & Television Corp., Thomas A. Edison, Inc., and RCA Manufacturing Co., Inc., by Ralph Holland, owner of two retail stores.

Cincy Musicians Elect

CINCINNATI, Dec. 20.—Oscar F. Hild was reelected president of the Cincinnati Musicians' Association, A. F. of M. Others elected were Joseph Lingar, vice-president; Volney Hoffman, secretary; Charles Joseph, treasurer. Trustees are: Arthur Boner, Robert Moore, Wilbur Myers, Robert Sidell and George Smith.

I. J. Fox on WNEW

I. J. Fox has signed with WNEW to sponsor "Milkman's Matinee" one hour daily, five times weekly. Duration is indefinite. W. R. Thorne, Inc., and Motzkin Bros. will participate six days weekly in "Westchester on Parade."

Heidt Ends Commercial

Horace Heidt and his Brigadiers wind up their series of broadcasts for Stewart-Warner on Sunday but will continue on NBC-Red as a sustaining feature.

Barrett Joins WOR

Halsey V. Barrett has joined the WOR sales promotion department.

CBC to Broadcast Xmas Greetings to Canadian Outposts

By COLIN R. HAWORTH

MONTREAL, Dec. 20.—Unique in broadcasting the world over, the Canadian Government's "Bringing Christmas to the Frontier" program will be put on again this year to send holiday greetings to residents in the remotest outposts of the Dominion.

Each year since 1934 at midnight on Christmas Eve, CBC stations have broadcast messages spoken by relatives and friends of residents in the frozen north. About 200 such messages are handled annually. The national network will air the greetings to all listeners.

This year's two-hour program is under the direction of Sydney S. Brown of CBL, Toronto. Messages will originate from CJCB, Sydney; CFCY, Charlottetown; CKCW, Moncton; CHSJ, Saint John; CFNB, Fredericton; CBV, Quebec; CBM, Montreal; CBO, Ottawa; CBL, Toronto; CKOC, Hamilton; CFPL, London; CFCO, Chatham; CKPR, Fort William; CKY, Winnipeg; CKX, Brandon; CKCK, Regina; CHAB, Moose Jaw; CFQC, Saskatoon; CKBI, Prince Albert; CFAC, Calgary; CJCA, Edmonton; CBR, Vancouver; and the CBC Studios, Halifax.

Mass. Taxpayers On Yankee Web Program

BOSTON, Dec. 20.—Massachusetts Federation of Taxpayers' Association will sponsor a series of 26 15-minute programs, "What's Happening in Massachusetts," over the Yankee network. Bayuk Cigars has renewed "Inside of Sports" for 54 programs. Gillette Safety Razor has renewed participations for 13 weeks in the network news service.

Hartley's Marmalade has signed for 26 participations in the Gretchen McMullen program. Series of spot announcements have been taken by Cranberry Canners, I. J. Fox Furriers, Penick & Ford, Ltd., and W. H. Graham Corp.

Sues on WOR Name

Bamberger Broadcasting Co. has filed suit in the Federal Court here against William W. Orloff for alleged use of the name "WOR Printing Co.," which the plaintiff claims Orloff has no right to use as it conflicts with the radio station's call letters. A permanent injunction, accounting of profits and damages are sought.

Baer Trial Jan. 10

Trial of the suit brought by Fred E. Baer against International Television-Radio Corp. and Electric Patent Holding Corp. has been set for Jan. 10 by N. Y. Supreme Court Justice Philip J. McCook. Baer seeks the return of 40,000 shares of International stock.

Owings to Attractions

Dorsey Owings, formerly with Hearst Radio, Inc., has joined the staff of Radio Attractions, Inc. Owings left Monday for a tour of New England.

FCC Calendar

WASHINGTON, Dec. 20.—Federal Communications Commission has scheduled a hearing Feb. 8 on the application of the Publix Bamford Theatres, Inc., for a new 1,430-kilocycle, 1,000-watt broadcasting station at Asheville, N. C.

Hearings were also ordered held, at dates to be set later, on the applications of WTAR, Norfolk, for increase of night power from 1,000 to [illegible] watts; KFPW, Fort Smith, Ark., for increase of day power from 100 to 250 watts, and Southern Oregon Broadcasting Co. for a new 1,310-kilocycle, 100-watt station at Grants Pass, Ore.

Three Renewals Set By Colonial Network

BOSTON, Dec. 20.—Four renewals and three series of spot announcements have been signed by the Colonial Network. Gospel Broadcasting Association will continue to sponsor "Old Fashioned Revival" a one-hour program, during 1939.

Aurora Laboratories has renewed "Your Hollywood News Girl" for 78 programs, Lydia E. Pinkham has renewed "Voice of Experience" for 156 programs, and Prince Macaroni Manufacturing Co. will continue for 39 programs. All are 15 minutes. Spot announcements will be made by Peter Paul, Inc., Mitchell Baking Co. and M. J. Breitenbach Co.

Dismiss Aerovox Suit

Suit brought by Aerovox Corp., formerly the Aerovox Wireless Corp., against Cosmic Radio Corp. for alleged infringements of a patent covering improvements on electrolyte has been dismissed in the U. S. District Court by Judge John C. Knox for failure of the plaintiff to prosecute the action. The suit sought a permanent injunction, accounting of profits and damages.

WHO Pays Xmas Bonus

DES MOINES, Dec. 20.—Central Broadcasting Co. will pay a Christmas bonus to all WHO employes who have been with the company a year or more. The payment is based on a percentage of the yearly salary, with 10 per cent for those employed five years or more, scaling down to five per cent for one year.

Three WHN Deals Set

Three contracts for spot announcements have been signed by WHN with B. C. Remedy Co., Washington State Apples, Inc. and Peter Paul, Inc.

Reserved for 1940 !

Yankton, S. D., Dec. 20.—Robert Tincher, station manager of WNAX, Yankton, claims credit for the earliest political reservation for the coming 1940 campaign. R. F. Jermone, of the Dakota Republican state central committee, has entered a time order for a half hour between 11:30 and noon, Monday, Nov. 4, 1940.

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 44. NO. 122 NEW YORK, THURSDAY, DECEMBER 22, 1938 TEN CENTS

Studio Fight On NLRB to Highest Court

Board to File Complaint In S.W.G. Battle

HOLLYWOOD, Dec. 21.—Studios will carry the fight against National Labor Relations Board jurisdiction over the industry to the U. S. Supreme Court, as a result of the Screen Writers' Guild battle for recognition as collective bargaining agency.

The next step will be by the N. L. R. B. in Washington, which will issue complaints against the studios charging failure to bargain collectively. This is expected to take the action out of the hands of the local N. L. R. B. office, carrying the jurisdictional fight to the Ninth District Court of Appeals and then, on appeal, to the U. S. Supreme Court.

Decision was made by Dr. Towne Nylander, local N. L. R. B. head, who, upon information from studio attorneys of the fight on the S. W. G. certification as collective bargaining agency, recommended that Washington issue complaints. Leonard Janofsky, guild attorney, said complaints charging intimidation and coercion of S. W. G. members also will be filed.

Kane, Hutchinson, Harley Due Today

Six 20th Century-Fox executives arrive today from abroad. The *Normandie* will bring Walter J. Hutchinson, director of foreign distribution; Robert T. Kane, chief of the company's British production; F. L. Har-

(*Continued on page* 4)

Silverstone to Go West Early in Jan.

Maurice Silverstone, operating head of United Artists, is going to California, early in January, for production conferences with U.A.'s producers. At that time, preliminary discussion on the company's new season's product will get under way.

The company's annual shareholders' meeting, scheduled for Jan. 12, will be held while Silverstone is on the coast. At that time all of the company's principal executives will be in Hollywood and important action is looked for from the company.

Decision Seen In Loew Suit Before Jan. 1

Decision in the minority stockholders' suit against Loew's, Inc., and its officers and directors will be made before the end of the year, N. Y. Supreme Court Justice Louis A. Valente assured counsel at the trial yesterday. Importance of an early ruling was stressed because of the fact that new employment contracts go into effect on Jan. 1, and the status of the agreements will be uncertain until a decision is reached.

Defense that the time for bringing the suit against those defendants who are California residents had expired was raised at yesterday's session. Arnold Cannon, Los Angeles attorney, testified that, under California law,

(*Continued on page* 4)

Films, Radio Face Attack When Congress Reconvenes

By BERTRAM F. LINZ

WASHINGTON, Dec. 21.—Congressional proponents of motion picture and radio reform are expected to introduce the usual quota of bills at the opening of the new session Jan. 3, but may await developments in the Government's divorce suit and the Administration and F. C. C. monopoly probes before pressing for consideration.

Anticipated by the Congressional legislative staff are the usual measures outlawing block booking, amending the copyright laws and repealing the ban on fight films.

Also looked for is legislation setting up a bureau of fine arts in the Government, a subject on which House and Senate committees held lengthy hearings last session, although the matter got no further than the filing of a favorable report by Representative William I. Sirovich, chairman of the House Patents Committee.

Recent developments in Europe also may bring about a revival of agitation

(*Continued on page* 4)

OLSON MAY EASE CALIF. TAX RAP

Horse Racing, Gambling Profligacy, However, May Be Hurdle

By WILLIAM CROUCH

CHICAGO, Dec. 21.—Governor-elect Cuthbert L. Olson of California today stated that he will consider means for softening the tax burdens of film players, in California. He realizes that the career life of a star is short, although earning large pay, and that relief should be considered.

However, the Governor, who is en route to Los Angeles, after a visit to the White House and conferences in Washington with Government officials, pointed out that the tax situation is made difficult by the tendency of many in Hollywood who are profligate on horse racing and gambling, so that the money which the State failed to collect in taxes would not be saved, anyway.

Olson, nevertheless, realizing the difficulties, and despite the state's great need for new funds at the present time, is going to give the matter of tax relief for players special attention.

He is appreciative of the aid rendered him in his campaign by the film colony and by the newsreels.

The Governor-elect is a firm believer that the film industry should make more films of an educational nature, and he urged putting true Americanism on the screen more frequently. He believes that films in the wrong hands could do untold harm, if made for other than entertainment.

In the matter of films versus politics, Olson believes it to be pitiful that while theatres attract large audiences for "inconsequential" and "superficial" film entertainment, perhaps a political

(*Continued on page* 4)

Unger Will Direct Para. Canada Sales; Plan Southern Unit

Paramount's Canadian distribution will be brought under home office direction with J. J. Unger, eastern division manager, in charge and a new southern sales division will be established under an organizational revision completed yesterday by Neil F. Agnew, vice-president and distribution chief.

Unger will have general charge of the entire Canadian division in addition to the eastern division. Six southern exchange territories which are now included in the eastern division, however, will be withdrawn to form the new southern division. Oscar Morgan will be in charge of the new division and will establish headquarters at the home office. Harold F. Wilkes, New Orleans branch manager, succeeds Morgan as district manager at Atlanta. The new southern division will include Atlanta, New Orleans, Memphis, Charlotte, Dallas and Oklahoma City.

Erman B. Price, in charge of the Jacksonville office, has been named New Orleans branch manager. Jacksonville is made a part of the Atlanta exchange territory. Additionally, San Antonio is added to the Dallas exchange with L. W. McClintock in charge. Floyd Tomes, Dallas branch manager, becomes sales manager of the combined territories.

Maine and New Hampshire territory, formerly served by Portland, is combined with the Boston exchange territory. Harold Stevens of the Portland office goes to Indianapolis as branch manager, succeeding the late E. J. Barnard.

The Sioux Falls territory is combined with the Minneapolis branch.

Para. Sues Catlett On AWOL Charge

HOLLYWOOD, Dec. 21.—First suit in years by a studio to recover damages from an actor for failure to appear for work was filed today when Paramount started action against Walter Catlett for $8,000 and costs.

Complaint charges that Catlett failed to show up Dec. 12.

Radio—Page 7

Seek Theatre Aid On Fair Ballyhoo

World's Fair officials want Broadway film theatres to get behind the "Dawn of a New Day" Fair ballyhoo, planned to start New Year's Eve, four months prior to the opening of the Fair.

Officials would like the houses to decorate the marquees with the perisphere-trylon insignia, play the Fair theme song and show a trailer.

On New Year's Day at 10 A.M., formal dedication of the "Dawn of a New Day" will be held at the Music Hall.

Purely Personal

RICHARD A. ROWLAND, executive assistant to **EDWARD SMALL**, left Hollywood yesterday on a cross-country tour of U. A. exchanges to hold previews on "The Duke of West Point."

•

WOLFE COHEN, Canadian district manager for Warners, who has been in New York for conferences, will leave today with **MRS. COHEN** on a two-weeks' cruise to Bermuda.

•

FRANK SELTZER, coast publicity head for **HAL ROACH**, arrives in New York today, to remain until after the opening of "Topper Takes a Trip" at the Music Hall.

•

TYRONE POWER will arrive in New York today from his South American vacation. He will fly to the coast to resume work on the 20th Century-Fox lot.

•

WILL H. HAYS goes to his Sullivan, Ind., farm tomorrow to spend Christmas. He plans to be back in New York Tuesday.

•

JAMES ROOSEVELT, Goldwyn vice-president, is due in New York after the holidays, following a visit to Washington.

•

COLONEL JOHN A. COOPER of M. P. Distributors of Canada is in New York for conferences at M.P.P.D.A. headquarters.

•

JEAN HERSHOLT will arrive in New York for the holidays Dec. 24 having completed work in a "Mr. Moto" picture.

•

GEORGE DEMBOW of National Screen Service is due today or tomorrow from the coast.

•

H. M. RICHEY of RKO leaves for Detroit tomorrow to spend the Christmas holidays.

•

SAM DEMBOW, JR. plans a trip to Florida next month with his family.

•

BILLY BRANDT has gone to Florida.

FASTEST AIR SERVICE
TO LOS ANGELES!

OVERNIGHT VIA SKYSLEEPER

● Board TWA's "Sky Chief" in Newark at 5:10 p.m...you're on the Coast 8:24 a.m., after a sound night's sleep in a luxurious berth. All Skysleepers with separate lounge and sleeping compartments.

TRANSCONTINENTAL & WESTERN AIR, INC.

TWA
In New York: Phone MU 6-1640
70 East 42nd Street
In Los Angeles: Phone MI 8881
540 West 6th Street
OR YOUR TRAVEL AGENT

THE ROUTE OVER THE
Sunny Santa Fe Trail

Insiders' Outlook

"A THEATRE does not sell merchandise nor render service. It admits or licenses its patrons to view the performance. It is not required to grant the privilege to all comers, and is free to admit only those it chooses to admit, except that under the Civil Rights Law, it may not make race, creed or color as the basis of exclusion." This was the ruling in a criminal prosecution brought in the N. Y. City Magistrates' Court against Roxy Theatre, Inc., by John S. Zvirin.

Zvirin alleged that the house had been guilty of "false and misleading advertising" for stating that it admitted patrons up to 1 P. M. for 25 cents and that children were admitted at all times for 15 cents. In dismissing the complaint, City Magistrate Abeles ruled that the section does not apply to theatre advertisements. He declared that Section 421 of the Penal Law refers to merchandise or services and that the motion picture house does not sell either.

"Admission tickets are not merchandise or securities, but only a convenience the theatre uses between the cashier's stand and the entrance to the theatre proper, instead of following a practice of requiring payment to an entrance usher."

Zvirin alleged that he had been on line at 12:15 P. M. and was therefore entitled to be admitted at the lower price. He reached the box-office at one half minute past one o'clock. Further, he charged that when he attempted to pay 15 cents for his 12-year-old daughter he was told she was "too big."

Magistrate Abeles held, however, that failure to specify any age in the advertisement left the exhibitor free to decide who was to be admitted at the lower price as each occasion arose at the box-office. By implication, it was further held that an exhibitor might advertise one price and then, later, change his mind.

According to the decision, a "promise" to admit a patron at a lower price during stated hours, is not a "statement of fact" under the meaning of Section 421 which forbids misleading advertisements.

▼ ▼

During a discussion of the proposed elimination of cash giveaways in the New York metropolitan area, at a meeting of the I.T.O.A. yesterday at the Astor, it was apparent that a majority of the independent exhibitors in the city favor the move.

The consensus was that the voluntary ban proposed for all theatres in the city should be given a fair trial. An exhibitor committee representative of all theatre interests is attempting to work out a plan.

Operators who have one or two houses and who at previous meetings have been inclined to oppose cash game elimination, expressed approval of the idea at yesterday's meeting.

Max A. Cohen, president of New York Allied, was a guest at the meeting. He reported that his organization is on record as opposed to discarding cash games until independents get a better break in the allotment of runs.

Cohen also gave his views on the first draft of the proposed trade practice program. They concided with the opinions of other exhibitors present that the distributors' proposals do not go far enough.

▼ ▼

Idea of injecting a patriotic note into film theatre programs is gaining momentum. The latest circuit to join the parade is Brandt Theatres. The national anthem opens the day's showings at all Brandt houses, and a trailer showing the Stars and Stripes in color is run before each performance.

▼ ▼

Paramount will pay a bonus of one week's salary to all home office employes earning $50 per week or less. Maximum payment, however, will be $40. Bonus will also apply to employes of Paramount-Broadway Corp. (Paramount Bldg.) and probably to employes of N. Y. Paramount Theatre.

M-G-M and Loew employes are to receive Christmas bonuses not exceeding $50. Those employed a full year, and whose salaries do not exceed $100 a week, will get two weeks' salary, but in no event will the bonus be more than $50. Those employed six months will receive one week's salary, the same maximum applying.

The bonus, which will total around $300,000, will affect more than 12,000 workers. It applies to employees of theatres, studios and film exchanges throughout the world.

▼ ▼

Warners and Hal Roach are considering "Three Harbours," the Revolutionary War novel by F. van Wyck Mason, as production material.

▼ ▼

New salary of Adolph Zukor is $2,000 weekly.

Theatre Changes

PLAN CHICAGO HOUSE

CHICAGO, Deec. 21.—Si Greiver and Rube Levine will build a $200,000-seat theatre in the Melrose Park district starting in the spring. The new house will seat 900.

BUYS IN KANSAS

KANSAS CITY, Dec. 21.—W. P. Huston has reacquired the Crawford and Kansas at Wichita, Kan., [illegible] the Plaza Theatre Co., which has been operating the two houses for about a year.

LIGHTMAN BUYS HOUSE

MEMPHIS, Dec. 21.—M. A. Lightman, president of Malco Theatres, Inc., has purchased the Memphian, operated under lease for several years. The house will be redecorated.

SECOND IN MENA, ARK.

MENA PARK, Dec. 21.—Manager L. E. Gwaltney of the Lyric will open a second theatre here about January 15. W. I. Green, Jr., will be manager of the new house, which will seat about 350.

ANOTHER IN CAROLINA

BURLINGTON, N. C., Dec. 21.—Construction of a new theatre, to seat 800, has been started by J. R. Qualls. It will cost approximately $40,000.

THE CO-ED UNDER WAY

BREVARD, N. C., Dec. 21.—Work has started on The Co-Ed, new theatre. Frank D. Clement and his son, Verne, will operate the 500-seat house.

WALSH REMODELING

KANSAS CITY, Dec. 21. — Ray Walsh, operator of the Mainstreet at Chanute, Kan., is reseating and redecorating his theatre.

PURCHASE IN GEORGIA

SPARTA, Ga., Dec. 21.—John W. Peck, owner of the Rex here and at Eatonton, has purchased the Cherokee at Monroe.

FORM VIRGINIA FIRM

NEWPORT NEWS, Va., Dec. 21.—Indian River Amusement Corp. capitalized at $50,000, has been chartered to operate theatres. Julian Gordon is president.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

KILLER BOGART

Sensational As

King Of The Underworld

From WARNERS with a bang!

Decision Seen In Loew Suit by Jan. 1

(*Continued from page* 1)

defendants could not be required to account after two years. If sustained, this would affect only the accounting phase of the suit, but would not bar an injunction against the employment agreements from being issued.

William R. Donaldson, Loew accountant, testified that German companies owed Loew's 1,238,000 marks ($496,500) in 1938 as compared with 2,800,000 marks ($1,123,000) in 1937. Total of 30,000,000 lira ($1,572,500) are owed from Italy, of which 17,000,000 ($891,000) are due at present.

For the purpose of shortening the trial, counsel stipulated that if Winthrop Aldrich, president of Chase National Bank, and officers and directors of Loew's were called, their testimony would be similar to that already given by the defense. Trial is expected to end today after an hour of rebuttal testimony.

Loew's net profit for the first quarter ending in November, it is estimated, will be on a par with or better than the figure for the comparative period last year. In the first quarter in 1937, Loew's earned $2,917,409.

The company will report a net of approximately $10,000,000, after all charges, for the fiscal year ending Aug. 31, last.

Olson May Ease Calif. Tax Rap

(*Continued from page* 1)

meeting down the street should go feebly noticed, although there citizens would learn something about their civic duties.

There was no comment from him on the consequences of a possible divorcement bill in California, were that to be proposed. It is his opinion that the U. S. actions will determine that kind of situation before it gets to the point of action by state officials.

He doesn't approve of block booking because it tends to standardize films in many cases, rather than to offer writers and producers the chance of making the pictures they wish to produce.

The motion picture situation was not discussed in his Washington visits, the Governor-elect stated.

Rice Shifted at Denver

Denver, Dec. 21. — Harold Rice, Fox Intermountain city manager, has been shifted to manager of the Paramount here. He succeeds Jack Copeland, who moves to the Aladdin. Sterling Way, Aladdin manager, goes to Laramie as city manager.

Para. Shifts McClintock

L. W. McClintock, former San Antonio branch manager for Paramount, has been sent to Dallas.

Film Fan Record

Arkansas City, Kan., Dec. 21.—A total of 1,700 pictures in six years is the film fan record of Jimmy Farrow, student at the junior college here. He keeps a record. Big year was 300, just about six every seven days.

Films, Radio Face Attack When Congress Reconvenes

(*Continued from page* 1)

for the barring of alien actors, for which Representatives Samuel Dickstein, chairman of the House Immigration Committee, last session sought legislation, which was defeated in his committee by the efforts of the California delegation.

Another possibility is the reintroduction of measures providing for the concentration of all Federal motion pictures activities in one organization to be set up in the Government Printing Office, but such a move is being anticipated by the Administration, which is gradually centering its most important film activities in the National Emergency Council.

Pressure for consideration of block booking legislation is seen as depending to great extent upon developments in the Government's New York suit, as well as the success of the distributors in drawing up and adopting a program of conciliation.

With world conditions highly unsettled, pressure for enactment of legislation amending the copyright act to permit United States participation in the international copyright convention has materially abated. Bills looking to copyright amendment were introduced last session, but were never given any consideration.

Patent legislation, of importance to both the film and radio industries, may be re-introduced, but action on this subject is seen as depending upon the views of the Temporary National Economic Committee now studying the question of monopoly in industry. Members of the committee, following an exposition of the competition-stifling purposes to which patents are put in the glass container industry, have expressed belief that the patent laws should be amended, but there is a general disposition to deal with all phases of monopoly in one comprehensive bill rather than to attempt piecemeal legislation.

In radio, major measures foreseen are those providing for a Congressional investigation of the Federal Communications Commission and for establishment of a Government owned and operated transmitter to broadcast internationally to the Latin-American countries.

The former is seen as having a good chance of adoption, in view of the continued friction among members of the Communications Commission and the slow progress of the F. C. C.'s monopoly investigation, which Chairman Frank R. McNinch promised last session would be made if the House rejected proposals for an investigation of his organization.

Action on bills providing for a Government station, subject of hearings last session, will depend upon President Roosevelt's attitude on the subject. A special committee, headed by McNinch, has been engaged in a study of the question for some months and is expected to file a report at the White House some time in January.

Canadian Cities Act To Tax Church Halls Housing Film Shows

Toronto, Dec. 21.—Canadian municipalities in many sections have begun a move to assess and collect property taxes on church halls, clubhouses and other hitherto tax exempt organization headquarters in which motion pictures or other entertainment open to the public are staged.

The move, if successful, will deal a severe blow to non-theatrical competition, especially 16mm. motion pictures, throughout the Dominion. It has the backing of Canadian exhibitors whose own theatres are taxed heavily in numerous ways.

The attempted municipal tax assessments against properties providing entertainment, regardless of the ownership of such structures, will be levied for 1939. The municipalities contend that church halls and other structures in which amusement is provided are not places of worship eligible for tax exemption under the Dominion Assessment Act. The move is also aimed at scientific and literary societies which conduct concerts, theatricals and other entertainment in structures which they do not own but which, heretofore, have been tax exempt.

Monogram N. H. Branch

Monogram has opened a new branch in New Haven, known as Monogram Pictures, Inc., and with Phil Sherman in charge.

Girault Theatres Formed

Little Rock, Dec. 21.—Girault Theatres, Inc., has been incorporated by H. L. Girault, William P. Woods and J. B. Girault, all of Little Rock.

Buys 'Lena Rivers' Rights

Dallas, Dec. 21. — Sack Amusement Enterprises has acquired national rights to Tiffany's "Lena Rivers," and is re-issuing this Sam Bischoff production under the title of "The Sin of Lena Rivers."

Newsreel Theatres Sued

M. & L. Hess, Inc., has filed suit in N. Y. Supreme Court against Newsreel Theatres, Inc., for $4,350. The plaintiffs claim real estate brokerage commissions for obtaining a site on 34th St. for the defendant.

Lowe Shifts Donaldson

Kansas City, Dec. 21.—Ben Donaldson, who has been with the Nebraska, Omaha, has been named manager of the Star at Hoisington, Kan., by F. L. Lowe.

Miss Sherman to WNEW

Rosalind Sherman, radio interviewer, has joined the staff of WNEW, and will be heard in a series of interviews at 1:45 P. M., Monday through Friday.

Aides Honor Ashmann

Managers of the Five Boro Circuit presented a gold watch to Maurey L. Ashmann, general manager, at a meeting at the Zenith.

Variety Club

Cincinnati

Cincinnati, Dec. 21.—Joe Oulahan was reelected president, Joe Kolling, secretary, and Ralph Kinsler, treasurer of the local Variety Club. Arthur Frudenfeld was elected first vice-president, and Jim Grady, second vice-president. Trustees are: Mike Greenberg, Joe Goetz, Paul Krieger, Maurice White and Andy Neidenthal. William Bien, Paul Krieger and Charles McDonald were tied for sixth trustee. This will be decided by postcard ballot.

Kansas City

Kansas City, Dec. 21.—George Baker, who operates the Rustic, West Yellowstone, Mont., was elected chief barker of the tent here at the annual election. He succeeds R. R. Biechele. Baker served as chief barker in 1934.

Finton Jones was named first vice-president and George Harttmann second vice-president. Sam Abend continues as treasurer. Arthur Cole was elected secretary. Earl Jameson, Charley Shafer and Jim Lewis were elected to fill the vacancies in the directorate and will serve with Elmer Rhoden, Blechele, Frank Hensler and the officers.

Kane, Hutchinson, Harley Due Today

(*Continued from page* 1)

ley, managing director in the United Kingdom, and Ben Miggins, Continental head.

James Pattinson, assistant to R. Sutton Dawes, United Kingdom sales manager, arrives on the *Manhattan.* J. C. Bavetta, managing director in Brazil, is also due, after having flown from Rio de Janeiro to Miami.

Edward Cohen, manager in Ecuador, will arrive on Monday.

Hutchinson is completing a five-month trip to South America, South Africa, Paris and London. Kane will confer with S. R. Kent, president, and will go to the coast for talks with Darryl F. Zanuck on new season's plans. Miggins and Harley also may go to the coast.

Krasna Signs Pact As Writer at RKO

Hollywood, Dec. 21. — Norman Krasna, who recently resigned as M-G-M associate producer, today signed a contract as writer at R.K.O. His contract stipulates he will work only with director-producers. First producing director with whom he will work is George Stevens.

In Pictures!

Knoxville, Dec. 21.—Double exploitation of radio and "home town" films are used by Charles (Monk) Hanson and Sam Johnson of WNOX "Midday Merry-Go-Round." When the act is booked into one of the local film houses, cameramen take 16mm. films of street scenes and civic spots and combine them with a reel of WNOX studios, shows and stars. Window cards then play up the "see yourself in pictures" angle.

'Cowboy' Dual Fair $2,000; Denver Dives

DENVER, Dec. 21.—Christmas shopping combined with a cold wave and snow to put a crimp in grosses here. The dual of "The Cowboy and the Lady" and "Strange Faces" at the Rialto was the only bill to do better than average.

Estimated takings for the week ending Dec. 21:

"Angels With Dirty Faces" (F. N.)
ALADDIN—(1,400) (25c-40c) 7 days, after a week at the Denver. Gross: $3,500. (Average, $3,500)

"The Shining Hour" (M-G-M)
"Annabel Takes a Tour" (RKO)
BROADWAY—(1,100) (25c-40c) 7 days, after a week at the Orpheum. Gross: $1,500. (Average, $2,500)

"Say It in French" (Para.)
DENHAM—(1,750) (25c-35c-40c) 7 days. Gross: $4,200. (Average, $5,500)

"Submarine Patrol" (20th-Fox)
DENVER—(2,525) (25c-35c-50c) 7 days. Stage show. Gross: $7,000. (Average, $8,500)

"Dramatic School" (M-G-M)
"Law West of Tombstone" (RKO)
ORPHEUM—(2,600) (25c-35c-50c) 7 days. Gross: $6,000. (Average, $7,500)

"Heart of the North" (W. B.)
"Comet Over Broadway" (W. B.)
PARAMOUNT—(2,200) (25c-40c) 7 days. Gross: $3,500. (Average, $3,500)

"The Cowboy and the Lady" (U. A.)
"Strange Faces" (Univ.)
RIALTO—(878) (25c-40c) 7 days after a week at each the Denver and Aladdin. Gross: $2.000. (Average, $1,750)

'Heart' $8,500 In Indianapolis

INDIANAPOLIS, Dec. 21.—With one first run—the Circle—closed for redecorating, business was only fair here. "The Young in Heart" and "Listen Darling" cracked the calm at Loew's with $8,500.

"Road Demon," with Hal Kemp's band on the stage, drew $9,500 at the Lyric.

Estimated takings for the week ending Dec. 16:

"His Exciting Night" (Univ.)
"Peck's Bad Boy at the Circus" (RKO)
APOLLO—(1,100) (25c-40c) 7 days. Gross: $2,500. (Average, $3,000)

"Thanks for Everything" (20th-Fox)
"Tarnished Angel" (RKO)
INDIANA—(3,200) (25c-40c) 7 days. Gross: $3,000. (Average, $5,000)

"The Young in Heart" (U. A.)
"Listen Darling" (M-G-M)
LOEW'S—(2,800) (25c-40c) 7 days. Gross: $8,500. (Average, $7,000)

"Road Demon" (20th-Fox)
LYRIC—(2,000) (25c-40c) 7 days. Gross: $9,500. (Average, $8,000)

U.A. Theatre Circuit To Reelect Officers

Present officers of U. A. Theatre Circuit, Inc., will be reelected at the next board meeting, date for which is to be set. They are: Joseph M. Schenck, president; Lee Shubert and Dennis F. O'Brien, vice-presidents; William P. Philips, vice-president and treasurer; Bertram S. Nayfack, secretary, and A. M. Georger, comptroller.

Para. Board Meet Today

Monthly meeting of the Paramount board of directors will be held today instead of next Thursday, the scheduled meeting day, to accommodate a number of board members who are leaving town for the holidays.

Exhibitors Pledge Help to Refugees

Pittsburgh, Dec. 21.—M. P. T. O. of Western Pennsylvania has resolved to pledge itself to aid victims of persecution, and to support the Government in its policy of "maintaining and fostering our traditional democratic institutions."

The resolution strongly protested the oppression and mistreatment of minority groups of all religious affiliations, and declared Americans "must join all lovers of tolerance and democracy in protest against these atrocities."

Legion Approves 13 Of 15 New Pictures

National Legion of Decency this week approved 13 of 15 new pictures, 11 for general patronage and two for adults, classed one as objectionable in part, and condemned one. The new films and their classification follow.

Class A-1, Unobjectionable for General Patronage—"A Christmas Carol," "Duke of West Point," "Fram for Framgang" (Swedish), "Heart of the North," "I Am a Criminal," "Orphans of the Street," "Rio Grande," "Storm Over Bengal," "Swing, Sister, Swing," "Thanks for Everything," "Western Jamboree." Class A-2, Unobjectionable for Adults—"His Exciting Night," "Trade Winds." Class B, Objectionable in Part—"Abus de Confiance" (French). Class C, Condemned—"L'Orage" (French).

Si Fabian Deal for Par-Land Group Set

Deal whereby the Si Fabian circuit takes over the Par-Land group of eight houses on Staten Island is completed except for signatures. The papers are expected to be signed within a week. The deal includes the 2,300-seat Paramount, which is pooled with Par-Land. Acquisition is from the estate of the late Sol Brill.

32,000 Baskets Donated

CHICAGO, Dec. 21.—Checkup today reveals that 32,000 baskets of food were collected yesterday at the third annual film basket party.

Finish Nine Films With 44 Shooting

HOLLYWOOD, Dec. 21. — Forty-four pictures were before the cameras this week, as nine finished and six started. Twenty are being prepared and 77 are being edited.

Started were: "Mounted Police No. 1," Columbia; "Fast and Loose," M-G-M; "Navy Girl," Monogram; "Code of the Streets," Universal; "Sweepstakes Winner," "On Trial," Warners.

In addition to these, shooting were: "Let Us Live," "First Offender," Columbia; "Wuthering Heights," Goldwyn; "Ice Follies of 1939," "The Wizard of Oz," "I Take This Woman," "Honolulu," "Huckleberry Finn," "Broadway Serenade," "Song of the West," "Women in White," M-G-M; "Union Pacific," "Midnight," "The Lady's from Kentucky," "I'm from Missouri," "Me and My Gal," "Sweepstakes Millionaire," Paramount; "Love Affair," "The Castles," "The Flying Irishman," "The Saint Strikes Back," RKO; "Ridin' the Range," "Dr. Judith Randall," "Pride of the Navy," "The Lone Ranger Rides Again," Republic; "It's Spring Again," Roach; "Mr. Moto in Porto Rico," "Winner Takes All," 20th Century-Fox; "Son of Frankenstein," "You Can't Cheat an Honest Man," "Three Smart Girls Grow Up," Universal; "Stake Coach," Wanger; "Dodge City," "Juarez," "Broadway Cavalier," "Torchy Runs for Mayor," "Smashing the Money Ring," Warners.

Those finished were: "Lone Wolf No. 1," Columbia; "Idiot's Delight," M-G-M; "Santa Fe Bound," Monogram; "Hotel Imperial," Paramount; "Twelve Crowded Hours," "The Jones Family in Hollywood," "Oklahoma Kid," "Yes, My Darling Daughter" and "Always Leave Them Laughing," Warners.

One short subject is shooting at M-G-M and one at RKO. Columbia and RKO each finished one. Fourteen are being prepared.

Vaude Returns to Boston

BOSTON, Dec. 21.—Boston again will have vaudeville after four months of complete drought when, on Christmas Day, stage acts return to the RKO Keith Boston. Lillian Carmen will head a five-act bill.

Quebec Plan to Tax School Films Fought By Protestant Board

MONTREAL, Dec. 21. — Demand for amusement tax on programs shown under the Protestant Education Board's visual education plan has brought reply from the board that it will fight the tax.

Protestant schools formed a film library of educational releases and to make the programs more interesting threw in an occasional animated cartoon. To cover cost children were asked to pay five cents and the tax demand was based on the charge to the children. Licensing of the projector by the Department of Labor and penalties for infractions also was demanded.

Catholic committee of the Council of Education has followed the lead of the Protestant group in compiling a film library. Dr. W. P. Percival, Protestant director, claims that a test of 11,000 students showed the film group excelled the non-film group in learning by 33 per cent.

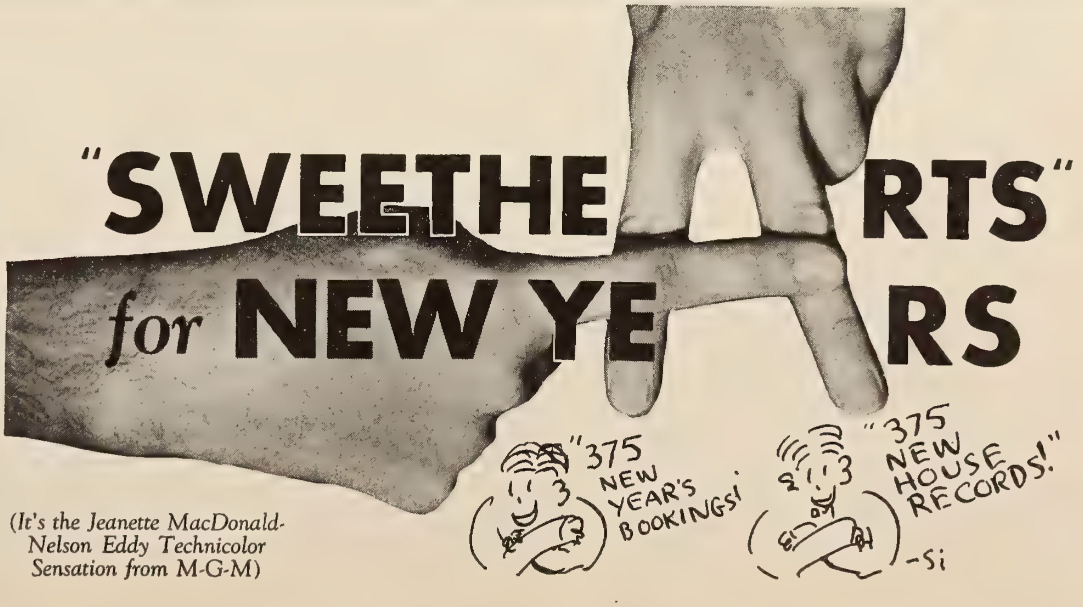
Ryder Heads Coast Section of S.M.P.E.

HOLLYWOOD, Dec. 21.—Loren Ryder, head of the Paramount studio sound department, has been elected president of the Pacific Coast Section of the Society of Motion Picture Engineers for 1939.

A. M. Gundelfinger has been elected secretary and Wesley Miller has been named manager for a two-year term.

Vaudeville at Rivera

Vaudeville gains another recruit when the Rivera, St. Johns Place, Brooklyn, reopens Christmas Day. Sam Cocalis recently took the house over from Randforce. Policy will be vaudeville and films at 40 cents top. Bill for the first four days is the N. T. G. show and following, for four days, will be a program headed by Henny Youngman, Buck & Bubbles and Frances Faye. John Fernkoes will manage the house. It seats 2,300.


"SWEETHEARTS" for NEW YEARS
"375 NEW YEAR'S BOOKINGS!"
"375 NEW HOUSE RECORDS!"
-Si

(It's the Jeanette MacDonald-Nelson Eddy Technicolor Sensation from M-G-M)

'Hardys' Tips Frisco Scale For $19,500

San Francisco, Dec. 21. — "Out West with the Hardys," paired with "Young Dr. Kildare" at the Fox outdrew the competition here with $19,500.

Only others bettering average were "You Can't Take It With You" getting $9,500 at the Orpheum, and "The Cowboy and the Lady," with $7,500 at United Artists.

Estimated takings for the week ending Dec. 13-16:

"Exposed" (Univ.)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days. Stage: vaudeville. Gross: $15,000. (Average, $16,000)
"The Cowboy and the Lady" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c-65c) 7 days, 4th week. Gross: $7,500. (Average, $7,000)
"The Citadel" (M-G-M)
"Spring Madness" (M-G-M)
PARAMOUNT—(2,740) (15c-35c-40c-55c-75c) 7 days, 2nd week. Gross: $10,500. (Average, $13,000)
"You Can't Take It With You" (Col.)
ORPHEUM—(2,440) (15c-35c-40c-55c) 7 days, 4th week. Gross: $9,500. (Average, $8,500)
"Out West With the Hardys" (M-G-M)
"Young Dr. Kildare" (M-G-M)
FOX—(5,000) (15c-35c-40c-55c-75c) 7 days. Gross: $19,500. (Average, $17,000)
"Angels With Dirty Faces" (W. B.)
"Listen Darling" (M-G-M)
ST. FRANCIS—(1,400) (15c-35c-40c-55c-75c) 7 days, 3rd week. Gross: $6,000. (Average, $7,000)
"Hard to Get" (W. B.)
"Comet Over Broadway" (W. B.)
WARFIELD—(2,680) (15c-35c-40c-55c-75c) 7 days. Gross: $11,000. (Average, $13,000)
"Moonlight Sonata" (U. A.)
CLAY—(400) (15c-35c-40c) 7 days, 7th week. Gross: $1,000. (Average, $1,300)
"The Dybbuk" (Geist)
LARKIN—(390) (15c-35c-40c) 7 days. Gross: $800. (Average, $1,300)

"Angels" $5,300 In Oklahoma Lull

Oklahoma City, Dec. 21.—"Angels With Dirty Faces" was the only bill here to show any real activity, as theatres were caught in the pre-holiday slump. The film did $5,300 at the Midwest. "Up the River" and "Road Demon" at the Liberty bettered par slightly. Weather was warm.

Estimated takings for the week ending Dec. 14:

"The Shining Hour" (M-G-M)
CRITERION—(1,500) (25c-35c-40c) 7 days. Gross: $4,500. (Average, $5,200)
"Exposed" (Univ.)
"Youth Takes a Fling" (Univ.)
LIBERTY—(1,200) (20c-25c) 4 days. Gross: $1,700. (Average, $1,800)
"Up the River" (20th-Fox)
"Road Demon" (20th-Fox)
LIBERTY—(1,200) (20c-25c) 3 days. Gross: $800. (Average, $700)
"Angels With Dirty Faces" (W. B.)
MIDWEST—(1,500) (25c-35c-40c) 7 days. Gross: $5,300. (Average, $4,500)
"I Am the Law" (Col.)
STATE—(1,100) (20c-25c-40c) 7 days, second week. Gross: $2,000. (Average, $3,000)
"Young Dr. Kildare" (M-G-M)
TOWER—(1,000) (25c-35c) 7 days. Gross: $2,500. (Average, $2,500)

20th-Fox Gets "Rapture"

Twentieth Century-Fox has closed with Armand Denis Productions, Inc., for distribution of "Dark Rapture" in all foreign countries except Canada.

British News Shows Lose

London, Dec. 21.—A loss of £1,752 is recorded by Capital and Provincial News Theatres, for the past year.

Out Hollywood Way

Hollywood, Dec. 21. — David O. Selznick is negotiating for Ronald Colman for the lead in "Rebecca." . . . Gail Patrick has been signed by Republic for the lead of "Wagons Westward." She was borrowed from Paramount . . . Katherine DeMille will play opposite Jack Holt in Darmour's "Sabotage," for Columbia release . . . James Ellison draws the lead in RKO's "Picardy Max," which Les Goodwins will direct from a Harold Shumate original screenplay. Cliff Reid is the producer . . . "Racketeers Round-Up," original by the prolific Bernard McConville, has been bought by RKO for George O'Brien. . . . "F. O. B. Detroit," novel by Wessel Smitter, has been purchased by Paramount, which will star Fred MacMurray and Robert Preston. William Welllman will produce and direct.

+

Robert Montgomery replaces Melvyn Douglas in M-G-M's "Fast and Loose." Rosalind Russell is co-starred. Frederick Stephani will produce and Edward Marin will direct . . . Paramount has purchased the film rights to the "Oliver Quade—the Human Encyclopedia" stories written by Frank Gruber and will star Lynne Overman in them . . . Jerry Factor, nephew of the late Max Factor, has joined his cousin's advertising and publicity agency, the Ted H. Factor agency, as an account executive . . . Margaret Lindsay, John Litel, Janet Chapman, Hedda Harrigan and James Stephenson draw the leading roles in Warners' "The Woman in Shadows," formerly called "The Strickland Case" . . . Universal will star Jackie Cooper in a remake of "Tom Brown of Culver," made in 1932 with Tom Brown in the title role.

+

Casting—Harry Carey to "Code of the Streets," Universal . . . Regis Toomey, Sidney Blackmer and Holmes Herbert in "Sabotage," formerly "The Enemy Within," Darmour-Columbia . . . Edward Ellis to "Wagons Westward," Republic . . . Bob Sherwood, radio announcer, to "Always Leave Them Laughing," Warners . . . Henry O'Neill, Edward Norris and Larry Williams to "On Trial," Warners . . . Richard Barthelmess has been given a leading role in "Plane No. 4," Columbia. . . . Ann Morriss to "Four Girls in White," M-G-M . . . June Storey gets the feminine lead in Republic's "Ridin' the Range" . . . Lyle Talbot and Maurice Murphy to "Forged Passport," Republic.

Hollywood Preview

"Tom Sawyer, Detective"

(Paramount)

Hollywood, Dec. 21.—Mark Twain's millions of readers, young and old, will find in "Tom Sawyer, Detective," 64 minutes of homespun entertainment and heart throbs. Though not given expensive mounting, the picture is nonetheless acceptable. It presents Billy Cook and Donald O'Connor in the respective roles of "Tom" and "Huck" and they do entirely creditable jobs as the lovable rogues.

Supporting them are Porter Hall, Philip Warren, Janet Waldo, Elisabeth Risdon, William Haade, Edward J. Pawley, Clem Bevans, Raymond Hatton, Howard Mitchell, Stanley Price, Harry Worth, Clara Blandick, Si Jenks, Etta McDaniel and Oscar Smith.

Lewis Foster, Robert Yost and Stuart Anthony wrote the screenplay, making the most of the situations. Louis King directed the Edward T. Lowe production.

Pawley, angered because of Hall's refusal to permit him to marry his daughter, embarks on a campaign of villification. A murder is committed and Pawley switches identity of the body to that of his half-wit brother, and Hall is blamed for the crime. Billy Cook and Donald O'Connor, by doing a bit of graveyard sleuthing, expose the criminals in a tense courtroom scene.

Running time, 64 minutes. "G."

Vance King

---

*"G" denotes general classification.

Harpster Is Warner Ohio District Head

Mansfield, O., Dec. 21.—Changes in the Warner manager setup include promotion of Frank P. Harpster from city manager here to district manager in charge of Mansfield, Sandusky, Lorain and Coshocton, O.

William V. Dworski, manager of the local Madison, becomes city manager, and will be replaced by Gratton Johnson, of the Sigma, at Lima. James Skelley, assistant manager of Warner's Ohio, at Canton, will have charge of the Lima house.

K. C. Theatre Bankrupt

Kansas City, Dec. 21.—The Kansas City Junior Orpheum Co. has filed a voluntary petition in bankruptcy in Federal District Court here. The company, of which Alex E. Reoch is president, owns the Mainstreet, downtown first run house which RKO left several months ago to occupy the Orpheum.

W. B. Signs Fay Bainter

Hollywood, Dec. 21.—Fay Bainter has signed a new Warner contract calling for three pictures annually.

Labor News

N.H. UNION NAMES O'CONNELL

New Haven, Dec. 21. — John O'Connell has been elected president of Local 74 of the I.A.T.S.E. for the coming year, with Charles McBride, vice-president, Dan Cummings, business agent, Robert Watson, secretary, and Sam Wasserman, treasurer.

ORDERS CENSOR RULING

Columbus, Dec. 21.—Judge Joseph D. Barnes, of the District Court of Appeals, has ordered the Ohio censor to accept or reject before Jan. 7, the short subject, "Millions of Us," for showing at labor gatherings, which has been held up since Nov. 20, 1937.

HARTFORD IA BALL SET

Hartford, Dec. 21. — The annual ball for the benefit of I.A.T.S.E. sick fund will be held at the Hotel Bond on Jan. 27, with dancing, vaudeville and other entertatinment.

ELECT IN HARRISBURG

Harrisburg, Dec. 21.—Lawrence J. Katz has been reelected president of the operators union here, Local 488. Other officers are: H. H. Gladfelter, vice-president; M. C. Miller, recording secretary; P. F. Patterson, financial secretary-treasurer; Samuel Rubin, business agent.

OPERATORS AID NEEDY

Projectionists' Square Club, consisting of members of operators' Local 306, is distributing 100 Christmas dinners to needy members of the theatrical crafts, including Local 306, musicians' Local 802, cameramen's Local 52, stagehands' Locals 1 and 4, Jewish and Catholic Actors' guilds and the N. V. A. Pincus D. Herbst is president of the club.

Warners, Stanley Reelect All Officers

Directors of Warners and Stanley Co. of America, theatre subsidiary, yesterday reelected all officers at annual meeting.

Harry M. Warner is president of the parent company; Albert and Jack L. Warner, Sam E. Morris, Herman Starr, Stanleigh P. Friedman, Joseph H. Hazen, vice-presidents; Albert Warner, treasurer; Samuel Carlisle, W. Stewart McDonald, Cyril H. Wilder, assistant treasurers; Robert W. Perkins, secretary and general counsel; Harold S. Bareford, Edward K. Hessberg, Roy Obringer, Herbert Freston, assistant secretaries; Samuel Carlisle, comptroller; Thomas J. Martin, auditor.

Resume Scale in K. C.

Kansas City, Dec. 21.—After experimenting several months with a 25-35-55-cent price schedule, the Fox Tower, first run combination house here, has returned to its former 25c-40-cent policy. The house will continue to feature vaudeville and first run films.

Warners Plan New Series

Hollywood, Dec. 21. — Warners plans a series of films on the subject, "What the Constitution Means to You." Bryan Foy will produce the series, but he is undecided whether to make it short subject or feature length.

Radio Personals

DR. ARTHUR RODZINSKI ends his series as guest conductor of the NBC Symphony Orchestra on Dec. 31. . . . Paul Whiteman will give a press rehearsal at Carnegie Hall at 2 P. M. today in preparation for his Christmas Night concert. . . . Arthur Kemp, of Columbia's Pacific Network sales department is the father of an eight-pound boy. . . . John Vesecky, national president of Farmers' Union, and James Graves, secretary, will speak on the "Farmers' Union Hour" over NBC-Blue Dec. 31. . . . Russell Crouse, writer, will be guest of Alexander Woollcott on the "This Is New York" program over CBS Dec. 25. . . . Coolidge String Quartette will be heard during the Whittall Foundation Concert over NBC-Blue at 4 P. M., Dec. 28. . . . Monroe Leaf, creator of "Ferdinand the Bull," Eli Culbertson, bridge expert, and Kay Thomson, vocalist, will appear on Eddie Cantor's "Caravan" over CBS, Dec. 26.

+

Marie Wilson, from the films, will be the guest of the "Kraft Music Hall" on NBC-Red, Dec. 28. . . .Vesta Eals has joined WJSV as literary commentator, and is heard Thursdays at 2:15. . . . Abel Green, managing editor of *Variety,* Dr. G. W. Gallup, director of the Institute of Public Opinion, and Fred Allen will be guests of "For Men Only" on NBC-Red Dec. 27 at 8:30 P. M. . . . Paul Kain's band has been named as staff orchestra at WJSV. . . . Mrs. Helen Casey, Pennsylvania state president of the American Legion Auxiliary, discusses "Child Welfare" at KDKA Jan. 4 at 5 P. M.

+

Laurie Y. Erskine, author of "Renfrew of the Mounted" series, will bring that program to NBC-Blue on Saturdays beginning Jan. 7. . . . Paul Gannon, tenor, joins "Chasing Shadows" on KDKA Tuesday. . . . Gertrude Atherton, novelist; Bill Holman, cartoonist, and Maurice Hellbrand, former Government agent, will appear on "If I Had a Chance" over NBC, Dec. 27. . . . Tyrone Power follows Charles Boyer after the latter winds up his engagement on "Hollywood Playhouse" Sunday. . . . Paul Leyssac will offer a new interpretation of classic fairy tales in "Meet the New Hans Andersen" Thursdays at 5:15 P. M. over NBC-Blue. First program will be aired Dec. 29. . . . Miecyzslaw Fogg, Polish baritone, makes his American radio debut over WHOM at 11:30 P. M. Dec. 24.

Richard Barthelmess will play the lead in "Rudy Vallee's Variety Hour" tonight over NBC-Red at 8 P. M. . . . Mrs. Elinor M. Herrick, regional director of N. L. R. B., will speak Dec. 30 at 8:30 P. M. over WMCA. . . . Louis Armstrong and his orchestra will be guest band Dec. 28 on "Amateur Night in Harlem" on WMCA. . . . Jennie Goldstein, Jewish stage tragedienne, starts a new program, "Dear Editor," this Sunday on WMCA at 7:30 P. M.

Renew 'Scattergood'

Wrigley's has renewed the "Scattergood Baines" program for 52 weeks over CBS, retroactive to Nov. 7.

Traveler

Cincinnati, Dec. 21.—Some one at WLW with a flair for statistics, comes forward with the information that James D. Shouse, vice-president of the Crosley Corp. in charge of broadcasting, has covered practically the distance around the world at the equator in his 21 round trips to Washington this year. He has a total of 21,210 miles.

To Hear Dr. Butler On New WOR Series

Dr. Nicholas Murray Butler, president of Columbia University, will be guest at first of "University Life" broadcasts to be heard over WOR and Mutual network Jan. 7 from 1:00 to 1:30 P. M. This new weekly series of discussion programs is a cross section of university and college life.

Members of the public discussion council of Columbia College and University faculty members will take part in informal conversations.

3 Renewed on CBS By Colgate Company

Colgate-Palmolive-Peet Co. has renewed for 52 weeks three programs broadcast over CBS. All are heard from Monday through Friday for 15 minutes.

Super Suds' "Myrt and Marge" program at 10:15 A. M. will go out over 52 stations and Palmolive soap, "Hilltop Lodge," will follow at 10:30 over 51. Both renewals are effective Jan. 2. Colgate tooth powder, "Stepmother," will be aired at 10:45 A. M. over 17 stations with the renewal effective Jan. 16.

'Westchester' Sponsored

Three participating sponsors for 10 weeks have been obtained by WNEW for "Westchester on Parade." They are the Stanley Stores, Suburban Fuel Oil Service and Willow Brook Dairy. China Clipper Restaurant has signed for six spot announcements weekly for four weeks on "Milkman's Matinee."

Union Pacific Series

HOLLYWOOD, Dec. 21.—Union Pacific Railroad has signed to sponsor 39 five minute recorded programs over KNX at 8:40, Mondays, Wednesdays and Fridays. Contract runs from Jan. 4 to April 3.

Jergens Renews on NBC

Andrew Jergens Co. has renewed with NBC for 13 weeks for "Hollywood Playhouse" at 9 P. M. Sundays, and "Jergens' Journal" with Walter Winchell at 9:30. Both go out over the Blue network. Lennen & Mitchell is the agency.

Vote "Curie" 1938 Best

Women's Press Club of New York has voted the CBS "Workshop" adaptation of "Madame Curie" as the best performance of a new play written for radio in 1938.

New Des Moines Series

DES MOINES, Dec. 21. — Frank Jaffes, KRNT-KSO news commentator, has opened a new series of shows.

A.F.R.A.-Agencies Talks Off to Dec. 27

Meeting set for today between the American Federation of Radio Artists and the American Association of Advertising Agencies has been postponed to Dec. 27. A. F. R. A. requested the postponement in order to permit Eddie Cantor, president, to be present.

Matters to be considered are basic pay schedules for performers, standard contracts, and a code of fair practises. Although the A. A. A. A. has no power to act for its member agencies, any agreement reached at the conferences is likely to carry considerable weight. No indication of agency reaction to the union's proposals has been made. At the last meeting, held Dec. 8, representatives from the Screen Actors' Guild, Actors' Equity, American Guild of Musical Artists and the American Federation of Actors were present to lend moral support to the union demands.

Nazi Refugees to Air Stories on WMCA

Outstanding Jewish refugee artists from Nazi Germany will be heard in the first of a series of sponsored broadcasts over WMCA starting next Wednesday from 7:30 to 8:00 P. M. They will dramatize the adventures of a refugee group.

Three who will appear as permanent members of the company are Alexander Granach, Gisela Worbozirk and Hans Heinz. The rest of the cast will be recruited each week from refugees now in the city. Horowitz and Margareton sponsor the program.

Reserves Decision In Whiteman Action

Federal Judge Vincent L. Leibell has reserved decision in the injunction suit brought by RCA against WBO Broadcasting Corp., operators of WNEW, Paul Whiteman and Ellin, Inc. Both sides were given until Jan. 14 for the submission of briefs.

RCA alleged that RCA-Victor recordings of Whiteman music were broadcast over WNEW without permission. In addition to the injunction, damages and an accounting of the profits are sought.

CBS Plans New Series

New serial script show will be started on 29 Columbia stations Jan. 16 sponsored by Personal Finance Company through Blackett-Sample-Hummert. Program will be heard from 2:00 P. M. to 2:15, Monday through Friday.

Boat Show to Get News

Evening news series on WABC from 6 to 6:05 P. M. will be sponsored by the annual Motor Boat Show from Jan. 6 to 12. George Putnam will deliver the United Press news. Charles J. Cutajar Advertising Agency is in charge.

WHN on Air to 4 A. M.

WHN will remain on the air until 4 A. M. daily after Dec. 26. I. J. Fox will sponsor "All Night Party," a program of dance music from one to four in the morniing.

FCC Calendar

WASHINGTON, Dec. 21.—Application for a construction permit for a new broadcasting station to operate on 1370 kilocycles with 100 watts power night, 250 watts day, has been filed with the Federal Communications Commission by the Cabarrus Broadcasting Co., Concord, N. C.

An amended application was received from WJMS, Inc., Ashland, Wis., seeking a permit for a net station, asking for a frequency of 1,370 kilocycles instead of 1,310 kilocycles and a power of 100 watts night and day instead of 100 watts night, 250 day.

It was announced by the commission that a hearing would be held Jan. 5 on the application of Peter J. Caldarone for a 1,270-kilocycle, 250-watt daytime station at Providence.

CBS Will Expand Foreign Coverage

W3XAU, CBS' international station in Philadelphia, will have the use of five different frequencies for shortwaving its programs to Latin-America and Europe as soon as its two new directional antennas are completed.

The Federal Communications Commission has assigned three new frequencies, 15,270, 21,520 and 25,725 kilocycles to W3XAU and the station retains 6,060 and 9,590 kilocycles, which were used on the non-directional antenna. Philadelphia transmitter is to combine its service with that of W2XE, CBS' international station in New York, to give Columbia a more complete coverage of Latin-America and Europe.

Stars to Be Guests On CBS Talent Show

Talent quest program "Gateway to Hollywood" on Jan. 28 will have as guests Joan Bennett, Miriam Hopkins and Edward Arnold. The program over WABC and CBS will be from 6:30 to 7:00 P. M.

Stars will be featured in supporting roles in a dramatic presentation with two discoveries in the talent search which is being conducted in 24 key cities.

Raymond Sooy Dies

Raymond R. Sooy, RCA Victor recording chief, died Tuesday at his home at Merchantville, N. J. He was 59 years old. He joined Victor as a recorder about 35 years ago and succeeded his brother, Harry, as head of the recording department on the latter's death in 1927.

'Dr. Christian' to N. Y.

Cast of "Dr. Christian" moves on Dec. 27 from Hollywood to New York and will broadcast from here for the next four or five weeks.

LeRoy Renews on WHN

P. J. LeRoy has renewed his contract over WHN for 52 weeks. LeRoy is heard twice daily Monday through Friday. The account was placed direct.

"THE GREATEST WEST POINT PICTURE EVER MADE"

General J. L. Benedict, Commandant of the United States Military Academy, congratulates Richard Carlson and W. G. Van Schmus, Managing Director of Radio City Music Hall.

"TAKE MY WORD FOR IT"

Says CHRIS CAGLE

Famous All-American backfield ace, one of the greatest football stars that ever played for Army.

After my years at the 'Point', I have long hoped that such a picture as this would some day be made. I have hoped for a vivid screen portrayal of the laughter and the sorrows, the thrills, the heartaches, the fine traditions of our great Military Academy . . . to show the youth of our land, and their parents and sweethearts, how boys become men, and men become officers, behind those gray battlements on the Hudson

"My hopes have been realized. Take my word for it that **'The Duke of West Point'** is the most authentic, the most thrilling, the most *stirring* picture of the Corps of Cadets that you are ever likely to see Don't miss it! It's fast as lighting . . . grand entertainment!"

Chris K Cagle

P.S. *It's the best hockey I've seen on the screen or off in a long time.*

Lester Patrick

LESTER PATRICK
MGR., N. Y RANGERS

EDWARD SMALL
presents

THE DUKE OF WEST POINT

with
LOUIS HAYWARD · TOM BROWN
RICHARD CARLSON
JOAN FONTAINE · ALAN CURTIS
Directed by ALFRED E. GREEN
Original screen play by GEORGE BRUCE
Released thru
UNITED ARTISTS

BIGGEST PRE-HOLIDAY BUSINESS IN FOUR YEARS AT RADIO CITY MUSIC HALL ". . . AND BROADWAY'S TOP MONEY PICTURE"

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 44. NO. 123 NEW YORK, FRIDAY, DECEMBER 23, 1938 TEN CENTS

South Africa Is Enjoying Huge Building Boom

20th-Fox, UA Distribute Directly There

By AL FINESTONE

South Africa theatre construction is booming, with 33 houses to be completed or nearly so by next March.

This was reported by Walter J. Hutchinson, director of 20th Century-Fox foreign distribution, who arrived yesterday on the *Normandie* after a five-month trip during which he surveyed the South American and South African markets.

He was met upon arrival by Sidney R. Kent, president.

Within a year and a half, Hutchinson expects that there will be a total of 60 new houses in South Africa served by 20th Century-Fox and United Artists. 20th Century was the first to distribute directly in that part of the world. United Artists expects to join 20th Century in Johannesburg in February.

Met Arthur Kelly

Hutchinson and Arthur W. Kelly, U. A. foreign head, conferred in Johannesburg. Kelly is now in London and is expected here next month.

The new theatres will give South Africa a third group, the other two being M-G-M and Consolidated (S. African). While M-G-M has its own distributing system and is a theatre

(*Continued on page* 8)

Broadway Gets Ready For Holiday Business

Broadway houses are hanging their holly decorations and preparing for the holiday business. Last week's business suffered from the usual seasonal slump. "Duke of West Point" at Music Hall finished with an estimated $61,000, considered fairly strong for this week. "Pygmalion" continued to draw at the Astor with $15,000 estimated for its second week. "Thanks for Everything," at the Roxy attracted an estimated $24,500, and "Out West With the Hardys" at the Capitol, did an estimated $21,000. Both were second week holdovers.

"Angels With Dirty Faces" wound up a four week run at the Strand with $33,000, estimated. At the Rialto, "Cipher Bureau" drew an estimated $5,000. "Secrets of a Nurse" grossed $4,500, at the Globe.

Radio—Page 8

Shirley Temple Is Voted Biggest 1938 Money Star

Clark Gable Second in Annual Herald Poll Of Nation's Exhibitors; Gene Autry First Among Western Players

The exhibitors of the United States have voted Shirley Temple, nine years old, the biggest Money Making Star of 1938, in the annual poll conducted by *Motion Picture Herald* and *Fame* to determine the 10 players who "drew the greatest number of patrons to your theatre" during the season from Sept. 1, 1937, to Sept. 1, 1938. For the fourth successive season the child star has captured the top rating of the nation's exhibitors.

Clark Gable

Shirley Temple

Following Shirley, these nine players were adjudged by exhibitors sufficiently powerful magnets at the box-office to rate in the first 10 classification: Clark Gable, second; Sonja Henie, third; Mickey Rooney, fourth; Spencer Tracy, fifth; Robert Taylor, sixth; Myrna Loy, seventh; Jane Withers, eighth; Alice Faye, ninth, and Tyrone Power, tenth.

More than 200 players in all received mention from the country's showmen, but young Shirley and Gable held commanding leads over the the rest when the tabulations were made.

The separate poll for western players resulted in the selection of Gene Autry as the Money Making Western Star of 1938, a place he also won in the 1937 annual poll of exhibitors. Following Autry were: William Boyd, second; Buck Jones, third; George O'Brien, fourth; Three Mesquiteers, fifth; Charles Starrett, sixth; Bob Steele, seventh; Smith Ballew, eighth; Tex Ritter, ninth, and Dick Foran, tenth.

32 Western Players

In all, 32 other western players received votes from exhibitors, and thereby won honorable mention listing in the poll's results.

Behind the leading 10 in the regular feature rating, are designated 15 others as Honor Stars. Following in the order of their ranking by exhibitor ballot, they include: Gary Cooper. Wallace Beery, Bing Crosby, Jeanette MacDonald, Deanna Durbin, Don

(*Continued on page 7*)

Lubitsch to Direct Garbo for Metro

Hollywood, Dec. 22.—Ernst Lubitsch will direct Greta Garbo's next picture, "Ninotchka," for M-G-M. This will be his first assignment as a producer for Metro. He also will produce "Shop Around the Corner" for Metro in which James Stewart and Margaret Sullavan will be starred.

Lawyers Laud Judge As Loew Trial Ends

At the conclusion of the Loew trial, yesterday, Emil K. Ellis, plaintiffs' attorney, told Justice Louis A. Valente, "I can truthfully say that we all like you."

Justice Valente peered over the bench and replied, "I hope you feel the same way about it after my decision."

"In his expression of thanks to the court, I find myself in agreement with Mr. Ellis for the first time during the

(*Continued on page* 2)

Hollywood Is Just Another American Town for Xmas

By ROSCOE WILLIAMS

Hollywood, Dec. 22.—'Tis the week before Christmas and if the rain that's been coming down steadily for seven days and nights were snow, Hollywood would be a scenic double for Binghamton, Billings or Baraboo. Rain or shine, it is identical twin to each of them and to every other plain American community in every essential particular of its approach to Dec. 25. The single spectacular thing about Hollywood's Christmas is that it's not going to be spectacular. Man will not bite dog, even for the newsreels.

It's Nobody's Business

Plagued by resident correspondents of the fan press and pestered by columnists with voracious spaces to feed, the studio publicity men have dutifully furnished the great American reader with itemized accounts of the holiday goings and comings of the marquee personalities. It's a part of their job, so they do it, but they don't like it.

There prevails in this strangest of all towns and among these not-so-strange people a firm belief that even the famous have a right to observe Christmas unobserved. The great, the near-great and the humble of Hollywood are going to do just that, and, to quote the chief dispenser of quotes for one of the largest studios literally, "It's nobody's damned business."

When all of the much that is wrong with Hollywood has been written up in the text books, the Hollywood manner of spending Christmas will not be among the chapter headings. Actually, and not at all newsworthily as film news is adjudged by the copy desk, Hollywood is guilty of Christmaslike behavior in the first degree.

Your reporter has before him the names of 139 ranking executives, com-

(*Continued on page 7*)

MERRY XMAS

***Motion Picture Daily* will not publish Monday, which is Christmas Day.**

Purely Personal

"DINTY" DOYLE's guest stars for his stage show at Loew's State during this week include LEW LEHR, FRED ALLEN, EDDIE CANTOR, SHEILA BARRETT, PHIL BAKER, CONNIE BOSWELL, KATE SMITH, PAUL WHITEMAN and TED COLLINS. Each will appear at one performance.

•

JOSEPH BERNHARD, general manager of Warner theatres, woh has been ill, is now recuperating. HARRY GOLDBERG, advertising and publicity head, who has been ill, may return to his desk on Tuesday.

•

IZ WEINER, Columbia exchange manager in Omaha; HARRY J. SHUMOW, M-G-M chief there, and JOE SCOTT, 20th Century-Fox branch manager there, celebrated wedding anniversaries this week.

•

JAMES STEWART arrived by plane from the Metro studio yesterday, and left immediately for Pittsburgh to spend the holidays before returning west.

•

MILTON BREN, executive of the Hal Roach studios, is in New York. With him is FRANK SELTZER, coast publicity director for the studios.

•

FELIPE MIER of Mexico City, distributor for Simplex and National Theatre Supply Co. products, is in town on a visit.

•

J. E. ROBIN, head of J. E. Robin, Inc., exporters, has returned from a three-month tour of South America.

•

LILLIAN DA COSTA, secretary to AL WILKIE at Paramount, is vacationing in Florida.

•

JOHN GARFIELD, Warner player, has returned to the coast studio for work in "Juarez."

•

CLAUDE R. COLLINS, formerly with Pathe News, is now newsreel contact for the World's Fair.

•

JAQUE CATELAIN, French film player, arrives today on the *Normandie.*

•

HARRY ARTHUR is in town from St. Louis.

"Window Shopping" Will Open Tonight

Openings of legitimate plays are starting again, now that the pre-holiday off season is over. Tonight, "Window Shopping," a story by Louis E. Shecter and Norman Clark, opens at the Longacre. Production is by Tom Kilpatrick and included in the cast are George Sidney, Gerta Rozan, Philip Huston, Ruth Lee, Solly Ward and others.

Also for tonight is another edition of Lew Leslie's "Blackbirds" at the 44th St. Theatre. Nat N. Dorfman, the press agent, provided the dialogue and the songs are by John Mercer, Rube Bloom, Dorothy Sachs, Louis Haber, Vic Mizzy and Irving Taylor. The all-Negro cast includes Lena Horne, Hamtree Harrington, Dewey Markham, Tim Moore, Bobby Evans and others.

Last night "Outward Bound" was revived at the Playhouse.

Insiders' Outlook

UNDER Nelson Eddy's new contract with M-G-M, the star must make two films annually for that company.

▼ ▼

New York lawyers have as their Santa Claus this year the Government anti-trust suit.

The lineup of legal talent such as is now engaged in preliminary maneuvers and conferences is seldom seen in one piece of litigation. Even for New York, which has seen titans battle before, it is impressive. Reorganization of Paramount and RKO, and the William Fox litigation, too, brought leading lights of the Bar together, but the group was small compared to the Government suit.

Fees for these barristers generally run between $100 and $200 per hour for office work by senior partners, while work by juniors and clerks generally is charged at a rate between $10 and $50. Trial work and out of town conferences come higher, sometimes running to $2,500 per day.

What makes this case more unusual, is that on this occasion they are all on the same side of the fence. In addition to the regular staffs, a separate organization has been set up in the Hays office where the work is centralized.

▼

Estimates of total fees to be charged are, of course, wholly speculative, but a glance through the following list opens the way for considerable conjecture.

For the Paramount group, Simpson, Thacher & Bartlett; 20th Century-Fox, Dwight, Harris, Koegel & Caskey; RKO, Donovan, Leisure, Newton & Lombard, and company counsel; Loew's, Davis, Polk, Wardell, Gardiner & Reed, and J. Robert Rubin; Warners, Robert W. Perkins; Universal, Chadbourne, Hunt, Jaeckel & Brown; United Artists, O'Brien, Driscoll & Raftery; Columbia, Schwartz & Frohlich; Chase National Bank, Mudge, Stern, Williams & Tucker. In addition, Goldwater & Flynn appear for K.A.O., Malcomb Kingsberg and Leon Goldberg.

▼ ▼

Selznick International employes receiving less than $75 weekly will receive a Christmas bonus.

Designate Cities for Meetings of K.M.T.A.

KANSAS CITY, Dec. 22. — Five regional meetings will be held by the Kansas-Missouri Theatres Association in Kansas the week of Jan. 9 to discuss legislative and other mutual problems. The meetings will be held at Topeka, Salina, Stockton, Pratt and Independence.

The following week four meetings will be held in Western Missouri: Kansas City, Joplin, Sedalia and probably Marysville, one a day beginning Jan. 16.

Lawyers Laud Judge As Loew Trial Ends

(*Continued from page 1*)

trial," Joseph M. Proskauer, defense attorney quipped.

Decision was reserved yesterday by Justice Valente after both sides completed their case in the minority stockholders' suit. Attorneys were given until Dec. 29 to submit briefs, and an early decision was assured by Justice Valente. Yesterday's hearing was devoted to the reading of additional depositions.

The Newsreel Parade

Newsreel cameras focus on light subjects here and abroad for the new issues. Congressmen arriving in Washington, fashions, a radio-controlled boat, and events in China, Palestine, Russia and France are included. The reels and their contents follow:

MOVIETONE NEWS, NO. 30.—Russia celebrates anniversary. Japanese in China. Alabama Governor grants paroles. Bathing suit fashions. Lew Lehr. Resume of 1938 sports champions.

NEWS OF THE DAY, NO. 228—Air raids in China. Palestine prays for peace. Actors speak on Americanism. Austrian refugees arrive in France. Radio-controlled boat. Fashions in swim suits. Tips for house wives. Racing roosters. French troops in Alps. Horse racing.

PARAMOUNT NEWS, NO. 41—Seattle dog mart. Congressmen in Washington. Charity dance. Sammy Snead in Florida. Turkey celebrates anniversary. Count of Paris has fifth child. Coster case. Conference in Lima. News agency moves. Skiing.

RKO PATHE NEWS, NO. 45—Congressmen inspect Capital. Convicts paroled in Alabama. Japs shut China's trade. Georgia Coleman in comeback. Styles in evening gowns. Movie Quiz contest nears close. U. S. S. R. celebrates anniversary.

UNIVERSAL NEWSREEL, NO. 730—Peace conference. Steel mill workers return. Break ground for new subway in Chicago. Aviation anniversary in N. C. Bus overturns in Illinois. Radio-controlled boat. Christmas party in Florida. Rededication broadcast in Hollywood. Tropical Park opens. Racing roosters.

Pact Draft Approved By UMPTO Bd. of Penn., N.J. and Del.

PHILADELPHIA, Dec. 22.—First draft of the proposed trade practice program as submitted by the distributors' committee has been approved in principle by the board of managers of the United Motion Picture Theatre Owners of Eastern Pennsylvania, Southern New Jersey and Delaware.

The board declared the draft to be a step forward but not a complete solution of all exhibitors' problems. It was pointed out that while the organization regards the benefits to be derived as "small," the proposals represent concessions never before given exhibitors.

The vote of approval contained the recommendation that instead of the program becoming effective with 1939-'40 contracts, it be made to apply immeditely.

The board went on record against the proposed municipal tax on film footage, either in the form of a direct tax or a three per cent sales levy. Lewen Pizor, president, and George P. Aarons, secretary, registered the organization's objections to the proposed tax at a hearing today before the City Council's finance committee. The U.M.P.T.O. was instrumental in defeating a similar proposal last year.

Exhibitors were called upon to play the national anthem at all performances, in a resolution passed by the board. Pizor's suggestion that theatres hold "tin can" matinees for the needy during the holiday season was endorsed.

Shouse on Committee

CINCINNATI, Dec. 22.—James D. Shouse, vice-president of Crosley Corp., in charge of broadcasting, has been selected to serve on a special representative committee to make arrangements for the Centennial Banquet of the Chamber of Commerce, Jan. 11.

A.B.P. Sets Dividend

LONDON, Dec. 22.—Associated British Pictures Corp. has declared an interim dividend of 10 per cent on the ordinary shares for the year, ending March, 1939.

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco. New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

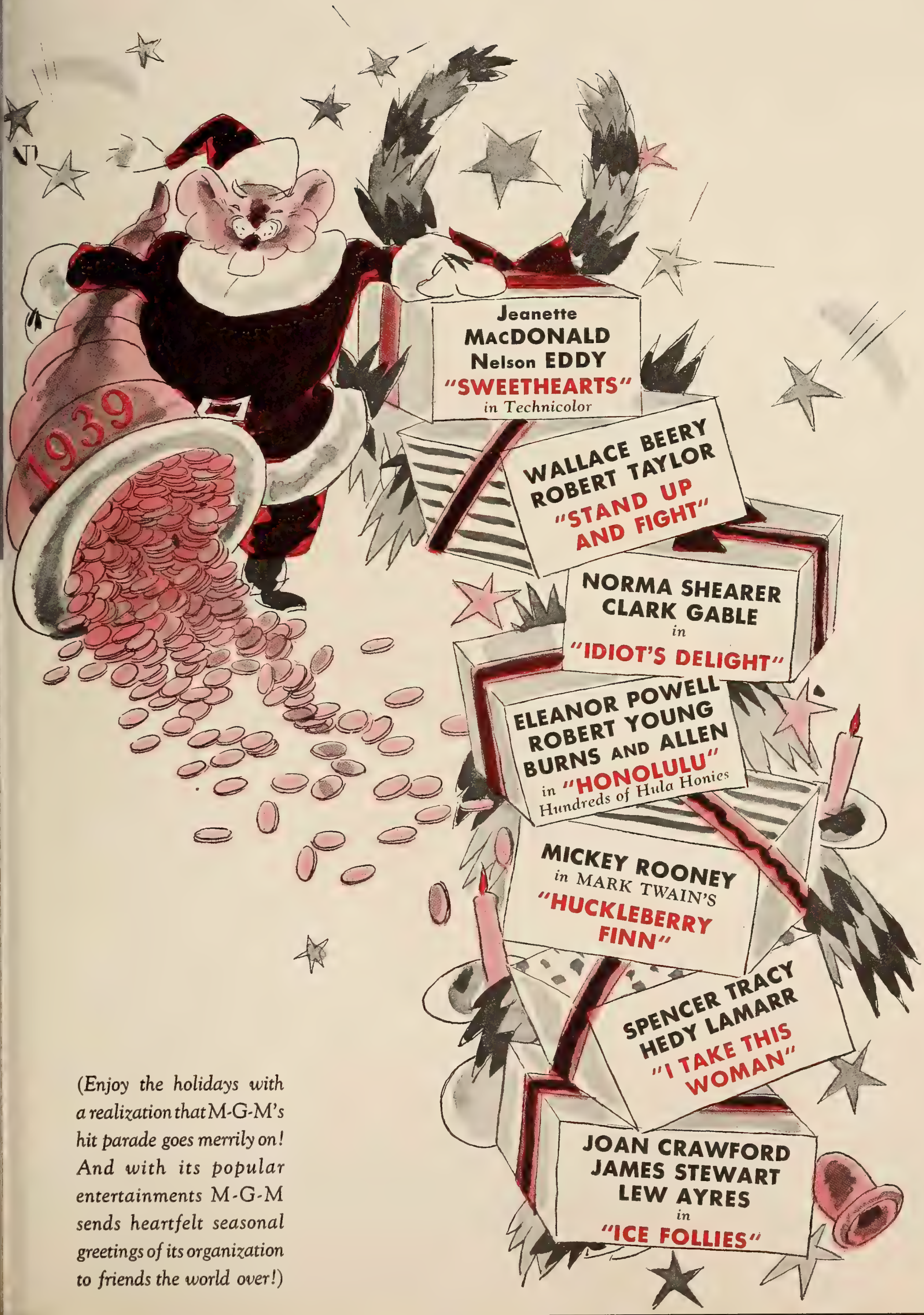
"SWEETHEARTS" for NEW YEARS

"375 NEW YEAR'S BOOKINGS!"

"375 NEW HOUSE RECORDS!"
-si

JEANETTE MacDONALD · NELSON EDDY in Victor Herbert's "SWEETHEARTS" · In Technicolor · With Frank Morgan · Ray Bolger · Florence Rice · Mischa Auer · Herman Bing · Reginald Gardiner · Screen Play by Dorothy Parker and Alan Campbell · Directed by W. S. Van Dyke II · Produced by Hunt Stromberg · A Metro-Goldwyn-Mayer Picture

BEST WISHES FROM THE FRIENDLY COMPANY IN 1939!


1939
Jeanette MACDONALD Nelson EDDY "SWEETHEARTS" in Technicolor
WALLACE BEERY ROBERT TAYLOR "STAND UP AND FIGHT"
NORMA SHEARER CLARK GABLE in "IDIOT'S DELIGHT"
ELEANOR POWELL ROBERT YOUNG BURNS AND ALLEN in "HONOLULU" Hundreds of Hula Honies
MICKEY ROONEY in MARK TWAIN'S "HUCKLEBERRY FINN"
SPENCER TRACY HEDY LAMARR "I TAKE THIS WOMAN"
JOAN CRAWFORD JAMES STEWART LEW AYRES in "ICE FOLLIES"

(Enjoy the holidays with a realization that M-G-M's hit parade goes merrily on! And with its popular entertainments M-G-M sends heartfelt seasonal greetings of its organization to friends the world over!)

MOTION PICTURE DAILY'S HANDY BOOKING CHART

Dates Are Based Upon National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After the Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS
Nov. 18	Adventure in Sahara *Paul Kelly* *Lorna Gray*	The Shining Hour (A) (D) *Crawford* *Sullavan* *Douglas*	Gun Packer (O) *Jack Randall*	Thanks for the Memory (G) (C) *Bob Hope* *Shirley Ross* (3811)	Storm Over Bengal (G) (D) *Patric Knowles* *Rochelle Hudson*	Law West of Tombstone (G) (O) *Harry Carey* *Jean Rouverol* (909)	Sharpshooters (G) (D) *Brian Donlevy* *Lynn Bari* (916)	Cowboy and the Lady (G) (C) *Cooper* *Oberon*	Mars Attacks the World *Larry Crabbe* *Jean Rogers*	Nancy Drew, Detective *Bonita Granville* *John Litel*
Nov. 25	Blondie (G) (C) *Penny Singleton* *Arthur Lake*	Out West with the Hardys (G) (D) *Lewis Stone* *Mickey Rooney*	Gang Bullets *Anne Nagel* (G) (D)	Say It in French (813) Arrest Bulldog Drummond	Santa Fe Stampede (G) (O) Orphans of the Street	Peck's Bad Boy at the Circus *Tom Kelly* (G) (C)	Submarine Patrol (G) (D) *Richard Green* *Nancy Kelly* *Preston Foster* (909)		Little Tough Guys in Society (G) (C) *Boland* *Auer* *Horton*	Angels with Dirty Faces (G) (D) *Cagney* *O'Brien* *"Dead End" Kids*
Dec. 2	Terror of Tiny Town *Jed Buell's Midgets*	Flirting with Fate (G) (C) *Joe E. Brown* *Leo Carrillo*		Little Orphan Annie (G) (C) *Ann Gillis* *Robert Kent* (3814)	Come On, Rangers (G) (O) *Roy Rogers* *Mary Hart*		Road Demon (G) (D) *Henry Arthur* *Joan Valerie* *Henry Armetta* (918)		Strange Faces (G) (D) *Dorothea Kent* *Frank Jenks* *Andy Devine*	Comet Over Broadway (G) (D) *Kay Francis* *Ian Hunter*
Dec. 9	Rio Grande (O) *Charles Starrett* *Ann Doran*	Dramatic School (A) (D) *Rainer* *Goddard* *Alan Marshall*	Song of the Buckaroo (O) *Tex Ritter*	Ride a Crooked Mile (G) (D) *Farmer Tamiroff* (3815)	Western Jamboree (O) *Gene Autry* *Smiley Burnette*	Next Time I Marry *Lucille Ball* *James Ellison* (910)	Up the River (G) (C) *Tony Martin* *Phyllis Brooks* (924)		Secrets of a Nurse (G) (D) *Helen Mack* *Edmund Lowe*	Heart of the North (G) (D) *Dick Foran*
Dec. 16	Strange Case of Dr. Meade *Jack Holt* California Frontier (O)	A Christmas Carol (G) (D) *Reginald Owen* *Terry Kilburn*	I Am a Criminal (G) (D) *John Carroll* *Mary Kornman*	The Frontiersman (G) (O) *William Boyd* (3856)	Red River Range *3 Mesquiteers*		Down on the Farm (G) (C) *Jones Family* (920)		Swing, Sister, Swing *Ken Murray* Ghost Town Riders (O)	Secret Service of the Air *Ronald Reagan* *John Litel* *Ila Rhodes*
Dec. 23	There's That Woman Again (G) (C) *Douglas* *Bruce*	The Girl Downstairs *Tone* *Gaal* *Connolly*	Wild Horse Canyon (O) *Jack Randall*	Tom Sawyer, Detective (G) (D) (3816)	Shine On, Harvest Moon *Roy Rogers* *Mary Hart*		Thanks for Everything (G) (C) *Menjou* (917)	Trade Winds *Fredric March* *Joan Bennett*	Newsboys Home *Jackie Cooper* *Wendy Barrie*	The Dawn Patrol (G) (D) *Errol Flynn* *Rathbone*
Dec. 30	Smashing the Spy Ring *Fay Wray* *Ralph Bellamy*	Sweethearts (G) (M) *MacDonald* *Nelson Eddy*	Tough Kid *Frankie Darro*	Artists and Models Abroad *Jack Benny* *Joan Bennett* (3817)	Federal Man Hunt *Livingston* *Travis*		Kentucky (G) (D) *Loretta Young* *Richard Greene* (923)	Duke of West Point (G) (D) *Louis Hayard* *Joan Fontaine*		Going Places (G) (C) *Dick Powell* *Anita Louise*
Jan. 6 1939	North of Shanghai *Betty Furness* *James Craig*	Stand Up and Fight *Robert Taylor* *Wallace Beery* *Florence Rice*		King of Chinatown *Anna May Wong* *Tamiroff*	Fighting Thoroughbreds *Ralph Byrd* *Mary Carlisle* *Robert Allen*	Pacific Liner *McLaglen* *Chester Morris* *Wendy Barrie*	While New York Sleeps (G) (D) *Michael Whalen* (922)		Last Warning *Foster* *Jenks* (G) (D)	Devil's Island *Karloff*
Jan. 13	The Thundering West (O) *Starrett* *Meredith*	Burn 'Em Up O'Connor *Dennis O'Keefe* *Cecilia Parker*	Convict's Code *Anne Nagel* *Robert Kent*	Zaza *Colbert* *Marshall* *Bert Lahr*	Mysterious Miss X *Michael Whalen* *Mary Hart*	The Great Man Votes *John Barrymore* *Peter Holden*	Tail Spin *Alice Faye* *Constance Bennett* (925)		Son of Frankenstein *Rathbone* Honor of the West *Bob Baker*	They Made Me a Criminal *John Garfield* *"Dead End" Kids* *Claude Rains*
Jan. 20	Frontiers of '49 (O) *Bill Elliott* *DeAlcaniz*	Idiot's Delight *Shearer* *Gable*		Disbarred *Gail Patrick* *Otto Kruger*		Boy Slaves *Anne Shirley* *Roger Daniels*	Charlie Chan in Honolulu (G) (D) *Sidney Toler*		Gambling Ship *Robert Wilcox* *Helen M*[illegible]	Off the Record *Pat O'Brien* *Joan Blondell* *Bobby Jordan*

G. B.

The Frog
Noah Beery
Gordon Harker
(Nov. 15)

Climbing High (M)
Jessie Matthews
Michael Redgrave
(Dec. 1)

G. N.

Shadows Over Shanghai (G) (D)
James Dunn
Ralph Morgan
(Oct. 14)
(311)

Frontier Scout (G) (O)
George Houston
(Oct. 21)
(325)

Titans of the Deep
(Oct. 28)
Dr. Beebe
(326)

Cipher Bureau (G) (D)
Joan Woodbury
Leon Ames
(Nov. 4)
(312)

Sunset Strip Case
Sally Rand
(Nov. 11)
(345)

Hollywood Is Just Another U.S. Town For Xmas Holidays

(Continued from page 1)

pany officials, producers and directors, and the news about 137 of them is that they will spend a quiet Christmas at home with family or relatives or both. The other two haven't any of e[illegible]. At this point in his round of inquiry your reporter stopped asking.

Not Always Thus

Oldsters hereabouts say it was not always thus. Once the town was rife at this season with ostentatious jubilation. Lavish public display of expensive giving, staged dinners for the poor and floodlighted donations to charity. The ostentation passed with the pioneers. The giving goes on. Bigger and better giving, with nobler deeds of charity untold—many untellable—than were dreamed of in the crazy, cradle years.

This year, as usual, individual studio clubs will hold their private Christmas parties and attend quietly to their separate disbursements in behalf of needy neighbors. This year's achievements of the Motion Picture Relief Fund will touch a new high in tangible service to distressed members of the profession and a new low in talk about it. For a month directors have been shooting crowd scenes on their scripts first, for a mob scene buys a lot of extras their Christmas dinners—shooting, not shouting.

Not Hollywood at Xmas

This year the distribution of sables, sapphires and chalets to the fabulous few will dip below even the 1929 level, but thousands of families in remote and less congenial climates will eat better. And this year many a Hollywood personality whose greeting cards of past seasons have become museum pieces and collectors' items, are sending ready-printed fill-in jobs which explain formally that the money has gone to this or that organized charity.

It has been said that publicity is the life blood of Hollywood, and it is. But Hollywood is not Hollywood at Christmas time. Then it is just a small town fortunately situated geographically and inhabited by plain people well supplied with worldly goods and grateful to all of their gods for the circumstance. Gratitude is not glamorous. Sincerity is not sensational. Simple virtue begets no headlines. The day after Christmas, Earl Carroll's fantastic new night club will open with a bang and that will make copy. New Year's Eve will furnish plenty of morning-after art, keyhole chatter and spot brodacasts. Hollywood will preen and pose on these occasions. It will spend Christmas off parade.

GB Sues Theatre Firm

Gaumont British Pictures Corp. of America filed suit in the N. Y. Supreme Court yesterday against United Theatres, Inc., a Puerto Rican corporation, for $3,500 damages for alleged failure to accept films contracted for. The defense will move today for dismissal on the grounds that the court has no jurisdiction over the company.

Hollywood Preview

"Trade Winds"

(Wanger—United Artists)

Hollywood, Dec. 22.—There are two distinctive novelties in "Trade Winds." One is the freshly unique manner in which the basic story and its romance, drama, comedy and adventure is pictured. The second is the expert and different manner in which backgrounds have been made a part of production detail. Both have entertainment and commercial value.

Although a great many players participate in the picture, Fredric March, Joan Bennett, Ralph Bellamy and Ann Sothern carry the load.

Sure that she is a murderess, Miss Bennett flees San Francisco and March, a detective who has a way with women, is called into the case. Accompanied by unimaginative sleuth Bellamy, and secretly trailed by his secretary, Miss Sothern, March starts his way across the Pacific. Eventually the trio catch up with Miss Bennett, for whom Miss Sothern knows there is a $100,000 reward. But March, falling in love with her, visions an idyllic existence in the South Seas. The insistence of Miss Sothern and Bellamy that the girl be returned to the scene of the crime builds to the climax in which March proves that Miss Bennett did not do the killing, and traps the one who did.

The breezy, easy-going story written and directed by Tay Garnett, with screenplay by Dorothy Parker, Alan Campbell and Frank R. Adams, is expertly designed to interest and amuse practically all segments of audience patronage.

Running time, 90 minutes. "G." G. McC.

**"G" denotes general audience classification.*

Shirley Temple Voted Biggest Money Star for 1938 Season

(Continued from page 1)

Ameche, Dorothy Lamour, Ginger Rogers, Nelson Eddy, Bob Burns, Errol Flynn, Jeanette MacDonald and Nelson Eddy, listed as a team; Irene Dunne, Paul Muni and William Powell.

In addition, three other groups are given mention, in the order of their ranking, also. In Group I are 35 players, in Group II are 36, with several "teams" listed as one by the vote of exhibitors, and in Group III are 135.

The relative rankings in the poll were determined by allotting 10 points to each mention for first place, nine points for second and so on down to one point for tenth.

Gable's record in the poll is nearly as impressive as Shirley Temple's. He has attained second place for the third successive year, and his name has been among the 10 leaders in each of the seven years the poll has been conducted. The gap between his place and first has steadily become smaller.

Sonja Henie, Jane Withers, William Powell and Myrna Loy were new to the list of 10 leaders last year, and with the exception of Powell, they held their ranking this year. Neither Mickey Rooney, Alice Faye nor Tyrone Power were within the first grouping of 25 during 1937. Spencer Tracy did not reach the top 10 last year, but did capture the Academy Award in 1937.

'Bicycling' Increase Is Noted in Report Of Copyright Bureau

"Bicycling" violations outnumbered "holdover" violations two to one, according to the annual report of the Copyright Protection Bureau for the year ending Oct. 31, 1938. The Bureau interprets the condition as a return to the predominance of bicycling which existed for a few years after the bureau was established in 1927. Thereafter, and until 1936-'37, there were more "hold-over" violations.

Jack H. Levin, director of the bureau, said violations were found in only 16.7 per cent of the theatres investigated during the year, as compared with 44.6 per cent for 1930 and 1931, for example. In 1937 the violations were 12.03 per cent. Thirty-four states were covered in the past year.

The activity in bicycling is attributed to an influx of new exhibitors, acquisition of one or more additional houses by exhibitors formerly operating single units, and the increase in the number of theatres in the country since 1935.

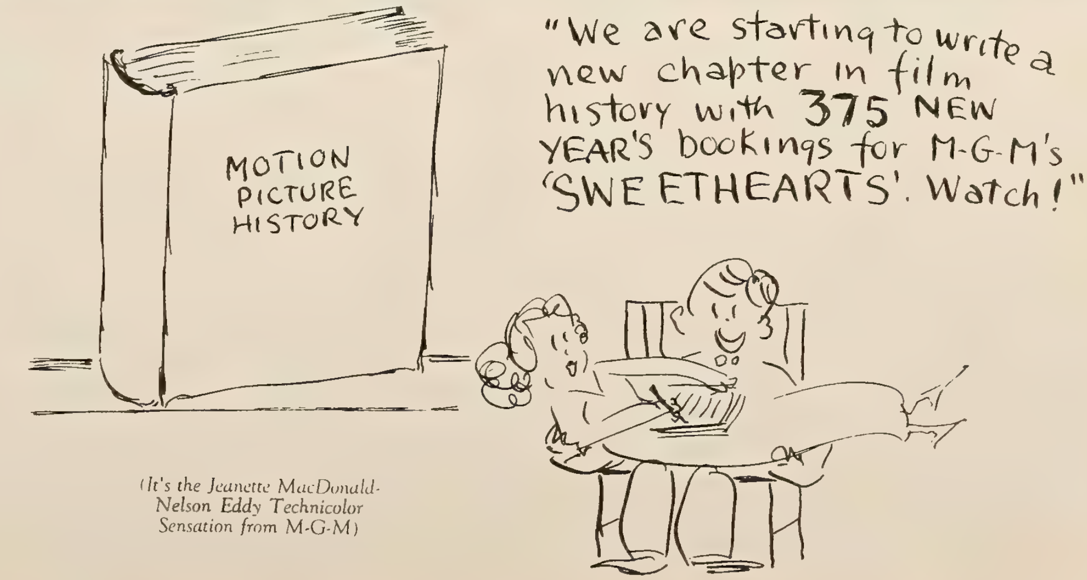
According to the report, the bureau cooperated closely with exhibitor organizations and individual exhibitors who sought aid on "free shows," although most were found to be 16mm. showings. A special study of illicit distribution of duped and bootleg prints is still pending. Gabriel L. Hess, counsel for the distributors on copyright matters, discusses decisions in Federal courts on exhibition rights under copyright.

Grainger Closes Deal

San Francisco, Dec. 22.—En route to spend the holidays in Los Angeles, James R. Grainger, Republic president, stopped off here and signed the Blumenfeld circuit of 14 theatres for the company's product. Joseph Blumenfeld signed for the circuit.

Robinson in "Nazi Spy"

Hollywood, Dec. 22.—Edward G. Robinson has been selected by Warners for the starring role in "Confessions of a Nazi Spy," which will be put into production soon.


"We are starting to write a new chapter in film history with 375 NEW YEAR'S bookings for M-G-M's 'SWEETHEARTS'. Watch!"
MOTION PICTURE HISTORY

(It's the Jeanette MacDonald-Nelson Eddy Technicolor Sensation from M-G-M)

U. S. Radio Is Picking Up in Latin America

By JACK BANNER

John Royal, NBC vice-president, who attended the Pan-American conference in Lima and is the first man back, reported yesterday that the United States is being heard more frequently than before as the result of improvements in short-wave transmissions, and that Latin Americans are showing a better appreciation of what they hear.

American broadcasters, he stated yesterday, are now successfully meeting the competition of other countries, and with new reciprocal program agreements between the United States and the other countries about to become effective, he foresees a bright picture of harmony wrought by radio.

U. S. Radio Popular

Royal talked with the representatives of the 21 American nations at the conference, and he reports great enthusiasm for American radio. Of paramount importance, he said, was the growing practice of the Latin Americas to pick up American programs direct, and then rebroadcast the shows over their own long waves. In this fashion the programs from the United States are received by Latin American listeners more clearly than would be the case if they were to be picked up by short-wave. A great many programs from the U. S. are now being heard in Latin America in this fashion, he said, and the system is growing.

He said program reception from the United States is much clearer than at any time in the past, and attributed the improvement to new equipment recently put in operation here by operators of international stations, such as NBC, CBS, General Electric and others in the international short-wave field. He lacked figures as to the number of home receivers now in operation in Latin America, but a representative at RCA later said there are approximately 2,000,000 sets, and that approximately one-half this number are capable of receiving short-wave American programs.

Avid for World News

Royal said he listened to programs sent by Germany and Italy, and judged them below the standards of those from the United States. He said the Latin Americans were avid for world news, and that they accepted the news from American stations almost without question, whereas they were often doubtful about the news from foreign stations.

As a result of motion pictures and radio, American entertainers are highly popular with Latin Americans. he said. As an instance, while in Mexico City he was the guest of a radio official, who urged him to attend a popular cafe to look at a dancer who was the "rage of Mexico City." Royal attended, and the ballerina developed to be not a Spanish senorita, but the daughter of Hugo Riesenfeld.

Flynn Lux Radio Guest

Hollywood, Dec. 22.—Errol Flynn will be a guest star on the "Lux Radio Theatre," Jan. 2, in a bit from "Dawn Patrol."

Radio Personals

GILBERT RALSTON, production man in the NBC electrical transcription department, and Mary Katherine Hart, actress, were married here this week. . . . Compton agency staff will have fun at an office Xmas party today. . . . Bob Haring's orchestra has been signed to replace Ferde Grofe's unit on the "What's My Name" quiz show for Philip Morris on Mutual. . . . Mary Kelly has been signed to serve as a female stooge on Phil Baker's forthcoming Dole pineapple show.

+

Announcer Fred Uttal is limping about with the aid of a crutch as a result of a fall. . . . Ben Bernie will celebrate his 15th year in radio on his regular program Jan. 1. . . . Max Terr's chorus are to be guests of Joe E. Brown on the latter's broadcast this week. . . . Russ Case is now playing with Ray Scott's quintette. . . . Russell Birdwell's book "I Ring Doorbells" was the inspiration for a song of the same title, written by Lou Forbes and W. W. Ferguson, published by L. Wolfe Gilbert.

WLW in Last Plea For Super Power

Washington, Dec. 22.—Vigorously attacking a report of the Federal Communications Commission committee which recommended that WLW's super-power license be terminated, Duke M. Patrick, counsel for the station, today told the commission that the station has not completed its program of research and should be permitted to continue.

In a last stand before the commission, which shortly is to determine whether WLW shall be permitted to continue the use of super-power, Patrick declared the station's permit is "more justified" today than even four years ago when it was first awarded.

Admitting that interference was experienced by other stations when WLW first went on 500,000 watts power, he declared technical developments have eliminated much of that difficulty and asserted that such inconveniences as were experienced would be more than offset by value of research program which the station is prosecuting.

Yanks' Home Games Will Be Broadcast

New York Yankees, following the example of the Brooklyn Dodgers, will broadcast their ball games this season. Only the Yankees home games, however, will be aired. The Dodgers' contract is for broadcasting of home and away games.

No sponsor or station has been decided upon as yet, although it is believed that the General Mills Co., with Socony Gas Co., will buy the broadcast rights to the Yankee games.

This leaves only the New York Giants outside the radio fold for this summer's games, but that team has already announced that it will meet the moves of its competitive clubs.

FCC Calendar

Washington, Dec. 22.—Authority to increase day power from 100 to 250 watts has been asked of the Federal Communications Commission by Station KELO, Sioux Falls, S. D.

The commission will hold a hearing Jan. 20 on the application of Station KAND, Corsicana, Tex., for extension of time from day to unlimited with 100 watts power night, 250 watts day, and on March 7 a hearing will be held on the applications of Stations KRSC, Seattle, for increase of power from 250 to 1,000 watts, and WEXL, Royal Oak, Mich., for change of frequency from 1,310 to 1,300 kilocycles and increase of power from 50 to 250 watts.

Statement by Miller Is Broadcast Widely, Press Casual On It

Local radio stations, including the key stations of the networks, have been highlighting the statement of Neville Miller in which the president of the National Association of Broadcasters scored broadcasts that incite racial and religious hatreds. On the other hand the statement received casual treatment in the press locally.

President Miller's declaration was made known in Washington late Wednesday evening, and a digest of his viewpoint was aired immediately over every one of the approximately 28 stations broadcasting in the greater Metropolitan area. Thereafter a majority of those same stations repeated the gist of his talk several times during the course of the night, and again yesterday most of the stations on their regular news and commentary periods included repeated references to what Miller said.

WMCA Leads Field

Leading the field, of course, was WMCA, which barred its facilities to Father Charles E. Coughlin. While Father Coughlin's radio schedule was not directly referred to by Miller, the statement by the N.A.B. head follows close upon an open letter by Dorothy Thompson, *Herald-Tribune* writer, to Frank R. McNinch, chairman of the F. C. C., asking for an investigation of recent radio addresses by Father Coughlin. WMCA aired the news of Miller's statement in full several times Wednesday night, and all day yesterday the station continued to give readings of the statement at every open opportunity. Most of the other stations performed similarly, keeping the statement going throughout yesterday with numerous readings.

The press, in the main, handled the story without any particular play on it. The *News* gave it a one-column display; the *Herald-Tribune* carried it on page two for less than a column: the *World-Telegram* carried a small piece on its back page. The *Mirror* and the *Journal-American* did not carry a line on the story. The *Times*, as far as can be learned, did not carry the statement, or a news line about it.

President Miller's statement said that it was the duty of broadcasters to cancel talks inciting hatreds, and that the arousing of racial bigotry is "not to be tolerated" by broadcasters.

Theatre Building Boom in S. Africa

(*Continued from page* 1)

competitor to Consolidated, the two collaborate.

Six theatres among the newer group are completed. These are the 1,200-seat 20th Century in Durban, one in Bloamfontain, another in Germiston and three in Johannesburg suburbs, including Orange Grove.

Except for the new theatre which is to be built in Johannesburg, [illegible]th Century-Fox will have no investment in any of these houses sponsored by independent groups. The company, however, has $200,000 invested in the Johannesburg house, which will seat 2,100 and cost approximately $1,000,000. Construction is expected to start in March and opening is planned for late in 1939.

Hutchinson is unable to estimate what his company may expect to gross in South Africa, since its effort in that market is still in the pioneering stage. He paid tribute to Otto Bolle for his work in opening the field and encouraging the building of new houses.

Toured South America

Prior to sailing for South Africa, Hutchinson spent several weeks touring South American branches. He reports the situation unchanged, with the exception that the demand for Spanish language films in the smaller towns continues a serious problem to American distributors. Another problem is official aggressiveness in Argentina, which, however, is not peculiarly a film problem but involves all trade and that country's pressure to obtain markets for its products. French films have been given some encouragement in Argentina.

Generally, 20th Century-Fox foreign business is just ahead of last year and could have shown a considerably greater increase were it not for the currency exchange situation Hutchinson said.

From eight to ten films will be made in England by 20th Century-Fox through the arrangement it recently concluded with the Gainsborough studios at Islington. Gainsborough is a subsidiary of Gaumont British. For this season 20th Century-Fox had a schedule of seven British films.

Kane Arrives

Robert T. Kane, managing director of Twentieth Century Productions, arrived yesterday on the *Normandie*. On the same boat were Ben Miggins, Continental manager, and Francis L. Harley, managing director in the United Kingdom, who are here for conferences.

Kane said the program will involve an expenditure of $5,000,000. Several of the films will be designed for world release. Kane formerly headed 20th Century-Fox production in England. Under the new setup, he will work in liaison with the studios in an administrative capacity, with Maurice Osterer and Edward Black supervising production.

Details of the program will be set in conferences with S. R. Kent, president, and Darryl F. Zanuck.

'Nancy Drew' Budget Up

Hollywood, Dec. 22.—Following reportedly favorable reception of "Nancy Drew, Detective," Warners today increased the budgets for the remainder of the series. "Nancy Drew, Reporter," second of the group, has just been completed.

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 44. NO. 124 NEW YORK, TUESDAY, DECEMBER 27, 1938 TEN CENTS

NBC Billings Set Record at $40,000,000

CBS Gross $27,000,000; Mutual, $3,000,000

Network radio enjoyed its greatest prosperity during 1938, with NBC's gross billings for the year estimated at more than $40,000,000, Mutual accounting for slightly under $3,000,000, and the CBS gross for the year amounting to more than $27,000,000.

NBC's figure is the highest in all network history. The company's cumulative 11-month total amounts to $37,575,607, and the December billings will boost the company's gross beyond the $40,000,000 mark, based on December expectations. Last December NBC's billings for the month were more than $3,000,000, and this December the gross is expected to surpass the December, 1937, total by almost $1,000,000, according to estimate.

Additional developments in radio on page 8.

NBC's gross income for 1938 has been estimated by Mark Woods, treasurer, at $38,432,170. This figure represents the official gross income of the company. In arriving at the gross income figures, discounts as well as company revenue from sources other than time sales are taken into account.

Mutual's gross billings for 1938 are estimated at $2,932,955, which will represent an increase of over 30 per cent for 1938 for this network. Mutual's December billings will amount to approximately $327,000, it is estimated.

The CBS gross for 1938 is estimated at $27,343,337, which, compared to the 1937 total of $28,722,118, will represent a decline of 4.8 per cent for Columbia. The total for the first 11 months of 1938 amounts to $24,816,337, with the total for December expected to amount to $2,527,000.

Milder Heads Group Sailing for Europe

Among those listed as sailing on the *Normandie* yesterday were: Max Milder, Warners' managing director in the United Kingdom; William Skirball, Cleveland exhibitor and brother of Jack Skirball of Grand National; Joseph Somlo of General Film Distributors, London; Madeleine Carroll, who is going to France; Louis Dreyfus, president, Crawford Music Corp.; Clifford and Mrs. Fischer, Henry Sherek and James M. Cain.

13 B'way Houses Back Fair Drive

World's Fair officials say that 13 Broadway film theatres have been lined up to cooperate in "The Dawn of a New Day" exploitation for the Fair, starting New Year's Eve. Virtually all first runs and several second runs are included in the list. Exploitation will include dressing ushers and other attendants in the Fair colors, orange and blue, decorations for marquees and lobby displays. The Fair is lining up additional theatres.

May Waive $50,000 Tax Penalty, Mayor Informs Distributors

Mayor La Guardia has indicated to major distribution companies, following a series of hearings, that the penalty provisions amounting to almost $50,000 for non-payment of the two per cent city sales tax will be waived if an agreement on interest on the deferred payments can be reached with the city comptroller.

Conferences on the amount of interest for the 18 months' period during which distributors withheld sales tax payments on the theory that films were exempt from the tax are now under way between city officials and counsel for the distributors. Indications are that the Mayor's decision that penalties should not be assessed may save the companies around $50,000. Interest, however, may amount to almost as much.

An agreement is expected this week.

Hart Goes to Coast On Production Code

Vincent G. Hart left for Hollywood over the weekend to spend three months in the Production Code Administration headquarters there. His assignment is in line with the policy of rotating members between the eastern and west coast offices to further a uniform interpretation of the Production Code.

Hart will undertake further efforts to extend Production Code service to foreign producers on his return to New York in April. Eastern office of the Production Code reviews foreign films and has been making a continuous effort to advise foreign producers of code regulations and interpretations in advance of production, rather than to be placed in the position of having to request deletions in a finished picture.

INDEPENDENTS LED IN '38 HOUSE BUYS

Acquired 360 in Year to 3,830; Affiliated Gain 50

There has been greater expansion of independent circuits in 1938 than of affiliated circuits. The ratio was about seven to one. Final figures for the year probably will show an aggregate of 3,830 independent circuit theatres. This is a rise of 360 houses over the total in 1937, which was 3,470. Affiliated circuits indicate a gain of approximately 50 theatres, which brings the aggregate number of affiliated circuits in the country to 2,400. In these figures four or more theatres are regarded circuit-wise, and from it there is to be gathered that there are 9,000 theatres which are in open operation in the country, under independent auspices.

Paramount Bought 40

Most interesting is the fact that of the affiliated circuits the company which expanded most is Paramount. That company, through affiliates, naturally, acquired an additional 40 theatres. Paramount's theatres are operated on a decentralized basis through partnerships and management participation arrangements. There was only one theatre, apparently, acquired by Loew's during 1938. However, Fox West Coast (National) added seven. Warners acquired six new houses.

The only affiliated circuit to finish the year with fewer houses than in 1937 was RKO. This company winds up its 1938 calendar with three houses less than the number it operated the previous year.

Paramount's principal acquisitions were through the Malco Circuit (Tennessee, Mississippi and Arkansas); Butterfield (Michigan-Ohio); Sparks (Florida) and Blank (Iowa-Nebraska).

The Griffith Circuit of Texas, Oklahoma and New Mexico, among the independent circuits, has led in

(Continued on page 4)

Stoll Theatres Show Gain in '38 Balance

LONDON, Dec. 26.—Stoll Theatres Corp. show a balance of £114,485 ($572,425) in their profit and loss account as compared with £109,659 ($548,295) the previous year.

Stoll Theatres Corp., is a property owning organization whose policy is the realization of properties in which it is interested.

Work Is Resumed On New Erpi Pact

Studio attorneys are again working on the new Erpi recording license agreements in Hollywood after an interlude of almost two years.

Practical phases of the agreements were concluded in the summer of 1936 and placed in effect at that time with reductions in recording fees of almost one-third the former rate. The agreements, however, were not formally concluded at that time due to a succession of interruptions which required the attention of producers' attorneys elsewhere.

The agreements are for eight years, retroactive to June 1, 1936, and expire in 1944. The new rates brought Erpi recording fees to the same level as RCA Photophone's and eliminated foreign recording and dubbing charges. Rate per reel is based on the cost of individual films, but retains the $100,000 Erpi annual minimum guarantee.

Indemnity clause of the agreement is all that remains to be decided to complete the pact. When the coast attorneys have concluded this work the agreements will be sent here for licensee signatures.

Columbia Will Open Campaign on Jan. 9

Columbia's annual sales campaign will be launched Jan. 9 and will continue through March 18. The 10-week sales drive will be devoted to the company's salesmen and bookers this year, a departure from the precedent which ordinarily finds the annual drive dedicated to one of the home office executives.

The drive will be dubbed "Columbia's Personal Achievement Campaign." About a dozen of the company's most important features of the current season will be released during its span. Among them are "Plane No. 4" (tentative) with Cary Grant and Jean Arthur; "Let Us Live" (tentative) with Henry Fonda and Maureen O'Sullivan; "There's That Woman Again," with Melvyn Douglas and Virginia Bruce; "Coast Guard," "Old Mrs. Leonard and Her Machine Guns," "The Lone Wolf's Daughter," with Warren William and Ida Lupino; "First Offenders," with Walter Abel, Iris Meredith and Johnny Downs; "Blondie Steps Out," "Homicide Bureau," "The Thundering West" and "Frontiers of '49."

Special short subjects are planned for production and release.

◂ Purely Personal ▸

CHARLES SKOURAS, Fox West Coast head, sails Jan. 7 on the *Conte di Savoia* for his first visit to Greece since leaving his native land many years ago. He will be accompanied by Mrs. Skouras and their daughter.

●

Countess Keller, producer of World Windows, color shorts released by United Artists, sailed for London yesterday on the *Normandie.*

●

Mary Pickford left for New Orleans over the weekend and goes to Hollywood from there for the United Artists annual stockholders' meeting Jan. 12. She is due back in New York around the end of January.

●

Frank K. Speidell, president of Eastern Service Studios and Audio Productions, Inc., will be at Sea Island, Ga., over the holidays.

●

R. F. Chapman, Audio Productions director, has been appointed executive assistant to Charles L. Glett, vice-president of Eastern Service Studios.

●

R. M. Copeland, Des Moines Paramount exchange manager, and Slater O'Hare, Paramount salesman, are spending a two-week vacation in town.

●

Frederick L. Herron, M.P.P.D.A. foreign head, returns to New York tomorrow from a holiday visit in Indiana.

●

Norman Alley of Universal Newsreel has returned to the coast via TWA.

●

Paulette Goddard, accompanied by her mother, arrived from abroad on Friday on the *Europa.*

●

Gene Murphy of Loew's theatre department has gone to Chicago.

●

Will H. Hays returns to New York from Sullivan, Ind., tomorrow.

Open Resort Theatre

Montreal, Dec. 26.—Class first run theatre opened here over the weekend to serve the winter sports clientele at Domaine Desterel, St. Marguerite. Domaine, a leading Laurentian Mountain resort, is owned by Baron Empain, Belgian financier. The new theatre, seating 300, will use American and European features and shorts and will operate nights and weekend matinees.

MITCHELL MAY, Jr.
CO., INC.
●
INSURANCE
Specializing
in requirements of the
Motion Picture Industry
75 Maiden Lane, New York
510 W. 6th St. Los Angeles

Insiders' Outlook

M-G-M next month will launch a new series of one-column, semi-institutional ads to be called "The Lion's Roar," to run regularly for a year in five national magazines, *McCall's, Pictorial Review* and *Red Book,* monthlies, and *Look* and *Liberty,* weeklies. The company has appropriated $15,000 a month for the ads, with Donahue & Coe as the agency. The column has been running as part of full-page ads in the fan magazines for the past two months.

▼ ▼

Walter Huston has no film plans. "What plans are there to make?" he asks. "I am still in 'Knickerbocker Holiday' and there's no telling how long it will run."

Asked if there have been any discussions about making his hit play as a film, Huston said there might have been, but the process might be a difficult one, as the film makers probably would have to take out the political angle and inject a "boy meets girl" angle. "Which," Huston added, "has been done before."

He has received offers to return to Hollywood, Huston said, but it's no deal as long as his present vehicle on Broadway continues to draw.

▼ ▼

A pre-Christmas opening day record was set at the Rialto, Louisville, by "Kentucky," new 20th Century-Fox film. The first day's business was $1,075, big for this time of year. "Alexander's Ragtime Band" and "In Old Chicago" garnered more on opening day there, but both pictures started their runs on holidays and earlier in the year.

▼ ▼

Donahue & Coe, advertising agency, has distributed Christmas bonuses of one week's salary to all employes.

▼ ▼

A film, titled "Health and Happiness," will be made in Montreal under the auspices of the Provincial Committee for the Prevention of Tuberculosis, with the aim of enlightening the public on the disease.

It is planned to show the picture in every theatre, parochial school, college and convent in the Province of Quebec. The scenario was written by Robert Choquette and Cine Craft Studio will produce. Running about 2,000 feet, the film is expected to be completed by March.

▼ ▼

Sidney Samuelson may head the new Allied unit in Philadelphia to be known as Allied Independent Theatre Owners of Eastern Pennsylvania. Organization of this unit may be completed by Jan. 1, at which time formal announcement may be made.

▼ ▼

Lynn Farnol entertained United Artists executives and members of the firm's advertising and publicity department, at a Christmas luncheon at Tony's, Friday. Among those who attended were James Mulvey, Emanuel Silverstone, Lowell Calvert, Harry Kosiner, J. J. Milstein, Harry Gold, Monroe Greenthal, Ben Washer, Betty Goldsmith, Fay Gillis, Sam Cohen, Lola Woursell, Ann Sheritt, Myer Beck, Burt Champion, Arthur Jeffrey, Herbert Jaedicker, Estelle Schrotte, Louise Phesay, David Parry and Grace Fischler.

Maurice Silverstone, operating head of United Artists, was the guest of executives and employes at a Christmas party, held the same day at the company's New York exchange.

▼ ▼

National Screen Service is producing a series of trailers on patriotic subjects. They were first tested on the Interstate Circuit in Texas. Audience reaction prompts the company to make a series. "The Star Spangled Banner" and "The Constitution" are completed. "The Bill of Rights" is in production with others to follow.

▼ ▼

The Fox in Hutchinson, Kan., has been turned over to the First Methodist Church for use in holding services while the church building is being remodeled.

RKO Buys Novel As Vehicle for Cantor

Hollywood, Dec. 26.—RKO has purchased "The Flying Yorkshireman," novel by Eric Knight, as a starring vehicle for Eddie Cantor. The comedian has a single picture deal with RKO.

Jack Yellen, who recently resigned from 20th Century-Fox, has been signed to write the screenplay for the Cantor film, as his first assignment. George Haight will produce.

Warner Sears Sales Drive Is Under Way

Warners' third Gradwell L. Sears Drive started Christmas Day. Total of $25,000 in prizes is to be distributed to the winners. The campaign will last 16 weeks.

"Dawn Patrol" is the first film released during the drive. Three winning districts and their branches will share the prize money. Carl Leserman is drive coordinator.

Nov. Tax Revenue Totals $1,985,127; Gain Over October

Washington, Dec. 26.—Reflecting seasonal improvement in theatre attendance, admission tax collections in November showed a marked gain over the preceding month, amounting to $1,985,127.78 against $1,596,367, it [illegible] reported by the Internal Revenue Bureau.

The month's collections, however, were considerably under those of the corresponding period last year, when they amounted to $2,242,573, although well above both the 1936 collections of $1,605,674 and the 1935 total of $1,866,915, it was said.

Failure of business to hold up to the 1937 level further widened the gap between 1937 and 1938 tax collections, bureau figures showed, revenues for the first 11 months of the current year being but $17,640,960 as compared with $18,684,006 in the corresponding period last year.

Collections in the Third New York (Broadway) District more than doubled in November as compared with the preceding month.

Total collections in the district last month were $592,560, against $285,506 in October. While still under the 1937 level which was $682,113 in November, the gap between the two years was far less than that of the preceding month, which compared with $604,487.

Box-office taxes jumped from $247,637 in October to $515,698 in November, it was stated, but collections from free or reduced rate admissions increased from $4,617 to $6,746; on tickets sold by brokers from $4,000 to $26,362; on tickets sold in excess of established prices from nothing to $576; on permanent use or lease of boxes and seats from nothing to $22; and from admissions to roof gardens and cabarets from $29,251 to $43,155.

Para. Names Jacobson

Hollywood, Dec. 26.—Arthur Jacobson was appointed head of the Paramount talent department following the resignation today of Ted Lesser. John Zinn, formerly legal advisor, was named business manager of the casting department.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office) •

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco. New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: Motion Picture Herald, Better Theatres, Teatro al Dia, International Motion Picture Almanac and Fame.

BUREAUS:—*Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

HOW and WHERE to celebrate NEW YEAR'S EVE

Make your NEW YEAR'S Reservations NOW!

For the biggest
New Year's Show
in town!

Starring the one and only

JACK (BUCK) BENNY

No. 1 Funny-Man of Screen and Radio!

Starring glorious, glamorous

JOAN BENNETT

She's Lovely... She's Luscious... She's Yum-Yumm-Yummm!

In Paramount's

"ARTISTS AND MODELS ABROAD"

Laugh with Mary Boland! ***Laugh*** with Charley Grapewin! ***Laugh*** with Fritz Feld! ***Thrill*** to Joyce Compton! ***Roar*** at the antics of The Yacht Club Boys...

Hear that Sensational New Radio Smash "What Have You Got That Gets Me?" sung as it should be sung. ***Dance to the Lilting Melody*** of "You're Lovely, Madame." ***Clap Callused Palms*** to the Rhythmic Beat of "Doing The Buckaroo."

Feast Your Eyes on the Fascinating Fashions of the Rue De La Paix, the latest and most bewitching creations of Schiaparelli, of Lanvin, of Patou displayed by the most beautiful living models ever to march their radiant splendor across the silver screen...

Meet the Glamour Girls of Hollywood on Parade! ***See Them*** in the Magic Foam Bath... Not Naughty, but very nice... ***Thrill*** to the Most Colossal Cavalcade of Beauty ever to meet the eye of mortal man.

All under the Personal Direction of MITCHELL LEISEN

Produced Lavishly, Magnificently, by the
World's Greatest Producer PARAMOUNT

Independents Lead Affiliated Circuits In '38 Acquisitions

(*Continued from page* 1)

the number of new theatres which were acquired in 1938. Other large expansion moves were made by Roy Martin (Georgia); and the Schine Brothers (N. Y., Ohio, Pennsylvania, Kentucky and Maryland).

These four independent circuits acquired just about 50 per cent of the aggregate gains made by independents during the year. That means that these four acquired approximately 180 theatres.

The independent circuits comprise 370 individual organizations operating in 2,084 cities and towns of the country. Their growth has been fairly constant for the past five years. In 1933 there were 233 independent circuits, with 1,968 theatres operating in 1,006 cities and towns.

It is entirely too premature to conjecture about the effect of the pending Government anti-trust suit on expansion activities by the affiliated circuits. The circuits affiliated with major companies recently, as part of the pending suit, have an understanding with the Government, by which they report their new theatre plans to the Government daily.

It was in 1930 that the affiliated theatres reached their peak in numbers. Since 1933 the average gain per year has been under 100 theatres for the five national circuits, Paramount, Fox West Coast, Loew's, RKO and Warners.

Thus there seems to be a definite trend away from excessive expansion which became so burdensome to these companies in 1931 and 1932.

Perhaps a factor in limiting expansion by these circuits has been the improved business conditions following the depression of 1931-'32. Owners having profitable theatres are not so keen to dispose of them and generally the purchase price is higher than at other times, so that prospective purchases are discouraged.

National Screen Sues Trailer-Made

National Screen Service on Friday filed suit in Federal court for an accounting, damages and penalties against Trailer-Made, Inc., charging that Trailer-Made has taken sound tracks owned by National Screen and put them in its trailers.

Of 30 Trailer-Made trailers examined by National Screen, 10 were found to have appropriated National's sound tracks, according to the complaint. The complaint asks that Trailer-Made submit for examination all of its 500 or more trailers already produced.

National Screen owns, in its music library, many hundreds of original copyrighted works which it has orchestrated and recorded in its own sound tracks at great expense, it is claimed.

National Screen asks for an injunction against further distribution and use of all trailers with its music. Isadore Schwartz and Pathe Film Corp., which processes many of Trailer-Made's products, are made defendants.

Out Hollywood Way

HOLLYWOOD, Dec. 26.—CHARLES R. ROGERS is planning to make a picture of the life of JANE ADDAMS and her celebrated Hull House, having signed Prof. JAMES WEBER LINN, member of the University of Chicago faculty, and nephew of Miss Addams, to aid him in the picturization of the famous settlement worker. Next year is the 50th anniversary of the founding of Hull House. . . . ED FINNEY, Monogram producer, has extended the contract of six-year-old MARY RUTH and will feature the child in a story to exploit her musical talents. She is an outstanding child pianist. Two stories, one by DALE VAN EVERY and the other by BETTY LAIDLAW and ROBERT LIVELY, have been purchased for her.

E. ALBERT BLOCK, assistant to President ERNST SCHWARZ of Agfa-Ansco, has left for Binghampton after being here for the last two months. . . . Warners have extended the contracts of JOHN GARFIELD and JEFFREY LYNN. . . . A series of historical pictures, to be made under the general heading "Heroes of the Western Hemisphere," is being planned by Warners. First will be the four-reel subject, "Bolivar of South America," in color. . . . ED ROWLEY, Texas circuit operator, is visiting Hollywood. . . . DANA ANDREWS, Texas youth who was working in a San Fernando gasoline station, has been tested and signed by SAMUEL GOLDWYN. He may get the title role in the remake of "Raffles."

M-G-M has purchased "Sweepstakes," original by CHARLES MARTIN. LOUIS D. LIGHTON will produce. Warners and Paramount at present are each shooting pictures with sweepstakes winners as chief characters. . . . ELLEN DREW will be teamed with GEORGE RAFT in Paramount's "The World's Applause," formerly called "Caviar for His Excellency."

Casting—JOHNNIE DAVIS will draw a featured role in Warners' "The Poor Nut," starring EDDIE ALBERT. . . . LUCIEN LITTLEFIELD to "Me and My Gal," Paramount. . . . DOROTHY FAY acts the lead in Monogram's "Sundown on the Prairie," TEX RITTER vehicle. . . . DARLA HOOD and ALFALFA SWEETZER to "Ice Follies of 1938" at M-G-M. . . . POLLY ANN YOUNG to "Sky Pilot," Malvern-Monogram. . . . LENI LYNN to "Huckleberry Finn," M-G-M. . . . EDNA DURAN, FRANK YACONELLI, OCTAVIO GIRAUD, STANLEY BLYSTONE to "Santa Fe Bound," Monogram. . . . LARAINE JOHNSON to "I Take This Woman," M-G-M. . . . Other M-G-M placements: WALLY VERNON to "Broadway Serenade," ROGER IMHOFF, SARA HADEN and WADE BOTELER to "Huckleberry Finn," ALAN CURTIS to "Sergeant Madden," TOMMY BOND, ERIC MAYNE to "Happily Buried," short, and SIDNEY BLACKMER to "Fast and Loose." . . . VICTOR VARCONI and LEONID KINSKY to "The Romantic Castles," and LLOYD INGRAHAM to "Love Affair," RKO. . . . MAXIE ROSENBLOOM to "Sweepstakes Winner," Warners.

Title Changes—Monogram's "Paroled to Exile" is now "Convict's Code." . . . Warners has changed the title of "Elizabeth, the Queen" to "The Knight and the Lady." . . . The M-G-M picture which started as "Women in White" is now "Four Girls in White." . . . Paramount's "Sudden Money" has been retitled "Sweepstakes Millionaire."

Winnipeg Winner In S.R. Kent Drive

Winnipeg's 20th Century-Fox branch placed first and Montreal second in the 18-week S. R. Kent Drive which ended Dec. 17. The contest was on accumulated delivery for the period against quota.

In the overseas division, China took top money, leading 36 other countries.

William C. Gehring's central division led the others, with the western division second. Gehring's division was responsible for nine of the 12 prize winning branches, with the western division accounting for the other three.

Winnipeg branch employes will receive five weeks' salary, with prizes for the other winning offices in proportion. Montreal, the runner-up, placed first last year. Other winning branches, in order, are: Des Moines, St. John, Omaha, New Orleans, Chicago, Calgary, Seattle, Memphis, Minneapolis and Toronto.

Though the final week of the drive fell in the pre-Christmas slump, 32 of the 37 exchanges went over quota. Joseph Huber is manager of the Winnipeg branch. T. E. Lopato is manager in China. James P. O'Loghlin was drive leader. E. V. Lomba conducted the overseas drive.

Christmas Activity Knocks Bottom Out Of Detroit Grosses

DETROIT, Dec. 26.—Christmas took its toll at the box-office. The Fox drew $18,000 with "Girls' School" plus Major Bowes' "Swing School" on stage. "Snow White" gave the United Artists $6,000. "There Goes My Heart" and "Storm over Bengal" at the Michigan did $10,000 for the week.

"The Storm" (Univ.)
"The Little Adventuress" (Col.)
ADAMS—(1,700) (15c-40c) 7 days. Gross: $3,000. (Average, $5,000)

"Girls' School" (Col.)
FOX—(5,000) (20c-65c) 7 days. Stage: Major Bowes' "Swing School." Gross: $18,000. (Average, $20,000)

"There Goes My Heart" (U.A.)
"Storm Over Bengal" (Rep.)
MICHIGAN—(4,000) (20c-65c) 7 days. Gross: $10,000. (Average, $10,000)

"Ride a Crooked Mile" (Para.)
"Come On Rangers" (Rep.)
PALMS-STATE—(3,000) (15c-50c) 7 days. Gross: $6,000. (Average, $6,000)

"Snow White" (RKO)
UNITED ARTISTS—(2,000) (20c-65c) 7 days, 2nd week. Gross: $6,000. (Average, $10,000)

W. B. Buys Lawes Story

HOLLYWOOD, Dec. 26.—Warners has purchased "Invisible Stripes," original story by Warden Lewis E. Lawes of Sing Sing, and Jonathan Finn.

Seven Opening on Stage This Week

Four openings today, two openings yesterday and one more tomorrow are this weeks' addition to the Broadway legitimate play list. The seven will bring the total on view to 28.

Opening today are: "Policy King," at the Bayes, a musical by Mic[illegible] Ashwood with songs by James [illegible] Johnson and Sam Manning. The policy racket is the theme. Ashwood is the producer and the cast includes Enid Raphael, Norman Astwood, Cora Green, Bessie de Saussure and Niles Wells.

"Bright Rebel," at the Lyceum, is based on the life of Lord Byron, written by Stanley Young and produced by William Kilcullen. Cast includes John Cromwell, Francesca Bruning. Beatrice Terry, Eleanor Flagg, Ann Loring and 27 others.

"Don't Throw Glass Houses," at the Vanderbilt, is a comedy satirizing the class struggle by Doris Frankel and produced by Contemporary Stage. Cast includes Rosalind Ivan, Hayden Rorke, John Raby, Margaret Randall and others.

"Michael Drops In," at the Golden, is a light comedy by William DuBois about a romantic school teacher with literary ambitions. Production is by Edward Massey and Marie Louise Elkins. The cast includes Arlene Francis, Onslow Stevens, Lee Patrick, Edmund Dorsay and others.

Yesterday's Openings

Yesterday's openings were: "Everywhere I Roam," at the National. It is a story about farm life in the west and is a collaboration by Marc Connelly and Arnold Sundgaard. Connelly also directed the staging and, with Bela Blau, produced the play. Cast includes Dean Jagger, Katherine Emery, Norman Lloyd, Paul Huber, Robert Porterfield and others.

"Blossom Time," at the 46th St., is a revival of the 1931 operetta by the Shuberts. Present cast includes Everett Marshall, Charlotte Lansing, Mary McCoy, Roy Cropper, Marjorie Ford and others.

Tomorrow, "The Merchant of Yonkers" bows in at the Guild. Thornton Wilder has fashioned a four-act farce from Johann Nestroy's "He Will Be the Devil of a Fellow." To this has been added staging by Max Reinhardt and production by Herman Shumlin. The large cast is headed by Jane Cowl, June Walker, Percy Waram, Joseph Sweeney and Tom Ewell.

British Theatres Pay $227,385 Sunday Tax

LONDON, Dec. 26.—About £45,477 ($227,385) has been paid into the Cinematograph Fund by British exhibitors over a period of five years ending March 31 as their tax on the Sunday opening of cinemas. . . . The fund now has a balance in hand of £13,020 ($65,000).

Schlesinger Leaves For New York Today

HOLLYWOOD, Dec. 26.—Leon Schlesinger, Warner Bros. cartoon producer, leaves tomorrow with Mrs. Schlesinger, for New York. They will remain east for about a month.

GET READY FOR THE BIGGEST SHOW YOU EVER HAD!

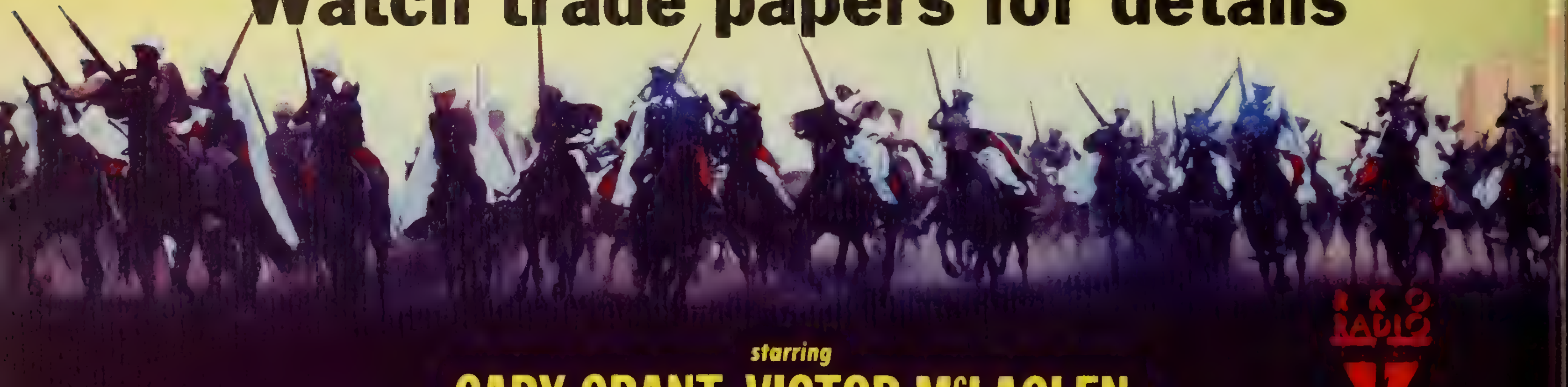
WORLD PREMIERE
RADIO CITY MUSIC HALL
THURSDAY, JAN. 26

urb.

GUNGA DIN

BACKED BY A NATIONAL ADVERTISING CAMPAIGN AS BIG AS THE PICTURE!

Watch trade papers for details



RKO RADIO

starring

CARY GRANT ★ VICTOR McLAGLEN
DOUGLAS FAIRBANKS, JR.

with

SAM JAFFE ★ EDUARDO CIANNELLI ★ JOAN FONTAINE

PANDRO S. BERMAN IN CHARGE OF PRODUCTION • PRODUCED AND DIRECTED BY GEORGE STEVENS

From a Story by BEN HECHT and CHARLES MacARTHUR • Inspired by RUDYARD KIPLING'S Poem • Screen Play by Joel Sayre and Fred Guiol

"Patrol" High $34,600, But L.A. in Slump

Los Angeles, Dec. 26.—Christmas shopping and exceptionally bad weather, with many days of continuous rain, hit virtually all local grosses. The double bill of "Dawn Patrol" and "Nancy Drew, Detective," however, went well over average, taking $17,500 at the Warner Hollywood and $17,100 at the Warner Downtown, for a combined gross of $31,600.

"The Citadel" just nosed over average at the 4 star, with $3,500.

Estimated takings for the week ending Dec. 21:

"There Goes My Heart" (U.A.)
"Up the River" (20th-Fox)
CHINESE—(2,500) (30c-75c) 7 days. Gross: $8,100. (Average, $12,500)

"Citadel" (M-G-M)
4 STAR—(900) (40c-55c) 7 days. 5th week. Gross: $3,500. (Average, $3,250)

"Smashing the Spy Ring" (Col.)
"Little Tough Guys in Society" (Univ.)
HILLSTREET—(2,700) (30c-65c) 7 days. Gross: $6,100. (Average, $6,500)

"There Goes My Heart" (U.A.)
"Up the River" (20th-Fox)
LOEW'S STATE—(2,500) (30c-75c) 7 days. Gross: $10,700. (Average, $14,000)

"Smashing the Spy Ring" (Col.)
"Little Tough Guys in Society" (Univ.)
PANTAGES—(3,000) (30c-65c) 7 days. Gross: $4,900. (Average, $7,000)

"Say It in French" (Para.)
PARAMOUNT—(3,595) (30c-65c) 7 days. Stage: F. & M. revue, Louis Prima, Rube Wolf and his orchestra. Gross: $8,000. (Average, $18,000)

"Dawn Patrol" (W.B.)
"Nancy Drew, Detective" (W.B.)
WARNER BROS. (HOLLYWOOD) — (3,000) (30c-65c) 7 days. Gross: $17,500. (Average, $14,000)

"Dawn Patrol" (W.B.)
"Nancy Drew, Detective" (W.B.)
WARNER BROS. (DOWNTOWN) — (3,400) (30c-65c) 7 days. Gross: $17,100. (Average, $12,000)

'Hardys,' 'Carol' $7,100 in Seattle

Seattle, Dec. 26.—"Out West with the Hardys" dualled with "A Christmas Carol" at the Fifth Avenue, was the only bill to do better than average business, taking $7,100.

"The Cowboy and the Lady" and "Torchy Gets Her Man" at the Paramount took $5,750, and "Painted Desert" and "Tenth Avenue Kid" did $4,650 at the Palomar.

Estimated takings for the week ending Dec. 23:

"Angels With Dirty Faces" (W.B.)
"Meet the Girls" (20th-Fox)
BLUE MOUSE—(950) (30c-40c-55c) 7 days, 3rd week. Gross: $3,100. (Average, $4,000)

"Out West With the Hardys" (M-G-M)
"A Christmas Carol" (M-G-M)
FIFTH AVENUE—(2,500) (30c-40c-55c) 7 days. Gross: $7,100. (Average, $7,000)

"Girls' School" (Col.)
"Flight to Fame" (Col.)
LIBERTY — (1,800) (20c-30c-40c-55c) 7 days. Gross: $3,250. (Average, $5,000)

"Hard to Get" (W.B.)
"Young Dr. Kildare" (M-G-M)
MUSIC BOX—(950) (30c-40c-55c) 7 days, 2nd week. Gross: $2,850. (Average, $4,000)

"Youth Takes a Fling" (Univ.)
"The Storm" (Univ.)
ORPHEUM — (2,450) (30c-40c) 7 days. Gross: $4,400. (Average, $6,000)

"Painted Desert" (RKO)
"Tenth Avenue Kid" (Repub.)
PALOMAR — (1,500) (15c-25c-35c-40c) 7 days. Vaudeville headed by Roscoe Ates in person. Gross: $4,650. (Average, $5,000)

"The Cowboy and the Lady" (U.A.)
"Torchy Gets Her Man" (20th-Fox)
PARAMOUNT—(3,050) (30c-40c) 7 days, 2nd week. Gross: $5,750. (Average, $6,000)

New York Preview

"Forbidden Music"

(*World Pictures*)

Typical stage musical comedy material, whose chief distinguishing characteristic is the music by Oscar Straus, this English-made production features Richard Tauber, well known tenor, and Jimmy Durante. In support are Diana Napier, June Clyde and Derrick de Marney.

Set in the early 19th Century, the story, in true musical comedy style, concerns a tiny mythical kingdom whose people do no work but sing and play all day. The musical passion results in a heavy debt, and when Miss Napier, Princess Regent, is faced with a "pay or else" ultimatum, she forbids all music. The people protest vigorously, led by Durante, American newspaper correspondent, whose daughter, Miss Clyde, is with him. The problem centers about Tauber, native son and famous singer, who, returning for his annual appearance, finds his singing forbidden. A clandestine concert is arranged, about which everyone knows, and results in open musical revolt on the part of the people, and romance for the princess and Tauber.

The film was adapted by Rudolf Bernauer from an original story by Fritz Koselka and Armin Robinson. Walter Forde directed. The music is effective, and on the whole, it may be considered stage musical comedy translated to the screen.

Running time, 63 minutes. "G."* CHARLES S. AARONSON

"Crossroads"

(*Tri-National*)

"Crossroads" presents the perplexities of a man who suddenly discovers he is some one else. Although the dialogue is in French and the story progresses almost entirely through its dialogue, English titles are sufficient to carry the plot and maintain the tension. Charles Vanel, French industrialist, finds himself hounded by blackmailers who threaten to expose him as an ex-convict. He brings suit for libel, when a newspaper prints the story, and the defendants set out to prove the truth of their statement. The evidence discloses that Vanel suffered a loss of memory during the war and that his identity was established by friends.

Although he is victorious in the suit, Vanel becomes convinced that he is, in fact, the ex-convict. Once more he falls into the hands of a blackmailer, but this time he is saved by a sweetheart of his former days who kills both the extortionist and herself.

Kurt Bernhardt, who directed, deserves credit for the manner in which he develops the story. In the courtroom, first one bit of evidence is permitted to prove one identity and then another witness appears who destroys it.

Jules Berry, as the blackmailer; young Jean Claudio, as Vanel's 10-year-old son, and Suzy Prim, as the former sweetheart are well cast in the supporting roles. It is a Eugene Tusherer production.

Running time, 80 minutes. "G."* ED. GREIF

"G" denotes general classification.

J. Frank Brockliss Is Dead in London

London, Dec. 26.—J. Frank Brockliss, 59, former chairman of the British Cinematograph Manufacturers Association and for several years chairman of Committee of the British Board of Film Censors, died last Friday here. Brockliss established the Paris office of Metro-Goldwyn and was managing director from 1921 to 1925. From 1925 to 1927 he was managing director of First National Pictures, Ltd., London. More recently he has devoted his time to the accessory house he founded.

Hollingshead Promoted

Hollywood, Dec. 26.—Because of the success of the series of Warner patriotic shorts, Gordon Hollingshead was promoted to feature producer by Bryan Foy. His first two assignments will be "Hero for a Day" and "Blind Spot," and he also will continue on shorts.

Para. Plans 3-Day St. Louis Meeting

Paramount home office executives and district sales managers will hold a three-day meeting at the Coronado Hotel, St. Louis, Jan. 7, 8 and 9.

Attending the sessions will be Neil Agnew, vice-president and distribution chief, who will preside; Division Managers J. J. Unger, Charles Reagan and Oscar Morgan; Robert M. Gillham, advertising and publicity director; G. B. J. Frawley, Don Velde, Alec Moss, Fred Leroy, Jack Roper, Herman Lorber and Arthur Dunne from the home office. Also District Managers Milton Kusell, W. H. Erbb, H. H. Goldstein, R. C. LiBeau, H. W. Braly, G. A. Smith, Ben Blotcky, Allen Usher and Harold F. Wilkes.

Cliff Lewis, studio advertising manager, will also attend, joining the New York group, who leave from here by train Jan. 5.

'Waltz' with 'Carol' Sweep Hub, $34,500

Boston, Dec. 26.—"The Great Waltz" and "Christmas Carol" dualing at two theatres, Loew's State and Orpheum, did a rousing business, despite Christmas shoppers. They totaled $34,500.

The Paramount and Fenway houses did well, showing "Angels With Dirty Faces" with "Down on the Farm." Respectively, they took in $8,500, and $6,500.

Estimated takings for the week ending Dec. 21:

"The Great Waltz" (M-G-M)
"A Christmas Carol" (M-G-M)
LOEW'S ORPHEUM — (2,907) (25c-35c-40c-55c) 7 days. Gross: $19,500. (Average, $12,000)

"The Great Waltz" (M-G-M)
"A Christmas Carol" (M-G-M)
LOEW'S STATE — (3,537) (25c-35c-40c-55c) 7 days. Gross: $15,000. (Average, $10,000)

"Secrets of a Nurse" (Univ.)
"Swing Sister, Swing" (Univ.)
RKO MEMORIAL — (2,907) (25c-35c-40c-55c) 7 days. Gross: $9,500. (Average, $12,500)

"Say It In French" (Para.)
"Ride a Crooked Mile" (Para.)
METROPOLITAN — (4,332) (25c-35c-40c-55c) 7 days. Gross: $9,500. (Average $13,000)

"Angels With Dirty Faces" (20th-Fox)
"Down on the Farm" (20th-Fox)
PARAMOUNT — (1,797) (25c-35c-40c-55c) 7 days. Gross: $8,500. (Average, $8,500)

"Angels With Dirty Faces" (20th-Fox)
"Down on the Farm" (20th-Fox)
FENWAY — (1,382) (25c-35c-40c-55c) 7 days. Gross: $6,500. (Average, $4,500)

'Sweethearts' Fine $16,500 in Cincy

Cincinnati, Dec. 26.—Defying the Christmas slump, "Sweethearts" took $16,500 at the RKO Albee and was held.

"Out West With the Hardys" did nicely with $3,100 in its third week at the RKO Grand, but the other spots were under normal.

Estimated takings for the week ending Dec. 22:

"Sweethearts" (M-G-M)
RKO ALBEE—(3,300) (35c-42c) 7 days. Gross: $16,500. (Average, $12,000)

"Dramatic School" (M-G-M)
RKO PALACE—(2,700) (35c-42c) 7 days. Gross: $6.500. (Average, $10,000)

"Up the River" (20th-Fox)
RKO SHUBERT—(2,150) (35c-40c-60c) 7 days. Stage: "Jubilee Follies." Gross: $10,000. (Average, $12,000)

"The Young in Heart" (U.A.)
RKO CAPITOL—(2,000) (35c-42c) 7 days, 2nd week. Gross: $3,500. (Average, $6,500)

"Submarine Patrol" (20th-Fox)
RKO LYRIC — (1,400) (35c-42c) 7 days. Gross: $3,600. (Average, $6,500)

"Out West With the Hardys" (M-G-M)
RKO GRAND—(1,200) (25c-40c) 7 days, 3rd week. Gross: $3,100. (Average, $2,750)

"Road Demon" (20th-Fox) 2 days
"Mr. Wong, Detective" (Monogram) (2 days)
"Exposed" (Univ.) (3 days)
RKO FAMILY—(1,000) (15c-25c). Gross: $2,200. (Average, $1,450)

"Heart of the North" (W.B.)
KEITH'S—(1,500) (30c-40c) 7 days. Gross: $3,900. (Average, $6,500)

Ohio Bans "Mamlock"

"Professor Mamlock," Soviet film distributed in this country by Amkino Film, has been banned in Ohio by the censor. Ray Reichelderfer, head of the censor board, gave no reason for the rejection of the picture.

Radio Personals

DICK MOONEY of the Earl Ferris office left for Chicago Monday with Andre Kostelanetz for the latter's guest appearance on the Edgar Guest series . . . Horace Hagehorn, station representative, back yesterday from a business visit to Chicago . . . Katharine Hepburn, after an absence of four years from radio, will be the guest star on the Campbell Playhouse production of "Farewell to Arms" over CBS next Friday . . . Kate Smith, spending the holiday at Lake Placid, will do her commentary series from there for the next few days . . . Carson Robison and his Buckaroos, now broadcasting over NBC, will leave for London in April for a six-week personal appearance at the Barclay Hotel . . . Fred Allen will rib Hollywood in his next Wednesday broadcast. His skit will be called "The Director Lands on the Cutting Room Floor" . . . Walter O'Keefe and Lucille Manners will be crowned the king and queen of Lake Placid at the annual ceremonies on New Year's Day.

✚

George R. Holmes, chief of the Washington bureau of International News Service, will review important legislative proposals over NBC Jan. 6 at 6.30 P.M. . . . Alfred Kreymborg's Fables in Verse will be heard over NBC Sundays beginning Jan. 8 at 2:45 P.M. . . . Harry Stella and Allen Bergner, Army and Navy football captains, will be feted in a homecoming celebration at Kankakee which will be heard over NBC tonight 6:30 to 6:45 P.M. . . . Monsignor Fulton J. Sheen will deliver his first address of his ninth season as speaker on the Catholic Hour program over NBC on Jan. 1. . . . Carleton F. Burke, chairman of the California Horse Racing Board, will be among those to be heard over NBC Dec. 31, from 6:45 to 7:00 P.M. in the broadcast to describe the opening of the Santa Anita track.

NBC Sued by Author

Monroe B. LeVoy has filed suit in the N. Y. Supreme Court against NBC, Philip Morris & Co., Biow Co., Inc., Jack Johnstone and Milton H. Biow for $25,000 damages, a permanent injunction and an accounting of profits. Plaintiff alleges that he submitted an idea for a radio program, "The Perfect Crime," in which a mystery story is dramatized and the audience acts as jury. He claims that it was subsequently used by Philip Morris and that he was not paid.

Renew Carnation Hour

International Night series of the Carnation "Contented Hour," heard Mondays over a 59-station hookup of CBS stations, will be continued during 1939, according to terms of a new contract just signed. Erwin Wasey & Co. is the agency.

Televise "Twelfth Night"

LONDON, Dec. 26.—British Broadcasting Co. on Jan. 2 from the Phoenix Theatre will televise the complete play of "Twelfth Night."

FCC Calendar

WASHINGTON, Dec. 26.—The Federal Communications Commission has assigned tentative dates for hearings on broadcast matters, as follows:

March 6: Applications of Edward J. Doyle for a 1,270-kilocycle, 500-watt daytime station at Rochester; Martinsville Broadcasting Co., for a 1,420-kilocycle station at Martinsville, Va., with 100 watts night, 250 watts day, and Niagara Falls Gazette Publishing Co. for a 1,260-kilocycle, 1,000-watt daytime station at Niagara Falls.

March 8: Application of Grant Union High School District for a 1,420-kilocycle, 100-watt daytime station at North Sacramento, Cal.

March 10: Application of WDAN, Danville, Ill., for extension of time from day to unlimited with 100 watts night, 250 watts day.

March 13: Applications of KMJ, Fresno, Cal., for increase of day power from 1,000 to 5,000 watts, and KERN, Bakersfield, Cal., for change of frequency from 1,370 to 1,380 kilocycles and increase of power from 100 to 1,000 watts.

April 3: Application of KGNO, Dodge City, Kan., for increase of power from 250 to 500 watts.

CBC Plans Program On Labor Relations

MONTREAL, Dec. 26.—Canadian Broadcasting Corp., in conjunction with the Workers' Educational Association, will present a series of discussions on labor relations over CBC's national network beginning Wednesday at 9:00 to 9:30 P. M., E.S.T. There will be 10 talks in the series to be given weekly and are designed to provide Canadian labor with an opportunity to express opinions on the air.

Stella Unger Back Jan. 4

Stella Unger, billed as the "Hollywood News Girl," will be back on the air again beginning Jan. 4 on a three times a week series over a Mutual hookup of 38 stations for the Aurora Laboratories, Inc. Reporting on Hollywood, Miss Unger will be heard Mondays, Wednesdays and Fridays at 1:15 P. M. John Shultz will be the announcer.

CBC "Northern Service"

MONTREAL, Dec. 26.—Special "Northern Messenger Service" feature was opened over a national CBC network this weekend with a message by Lady Tweedsmuir to her son, John Buchan, stationed at Cape Dorset. The program consists of a two-hour broadcast originating from 23 Canadian cities of personal messages to residents of Canada's remote areas.

WBBZ Enjoined on Songs

OKLAHOMA CITY, Dec. 26.—A $1,250 judgment and an injunction against further use of copyrighted songs without permission have been handed down against WBBZ, Ponca City, Okla., in Federal Court.

WOR Renews Singiser

Frank Singiser, press radio news reporter, has been renewed for another 13 weeks on WOR. Sponsored by the Consolidated Cigar Co., he is heard Mondays through Fridays at 6:30 P. M.

Six Commercials Renewed by CBS

Renewals on six CBS commercial shows, headed by extensions of four Procter & Gamble serials, were effected at CBS yesterday.

The P. & G. shows are "Rise of the Goldbergs," "Life Can Be Beautiful," "Road of Life," "This Day is Ours." The shows are 15 minutes each, heard consecutively from 1 to 2 P. M., Mondays through Fridays. Blackett-Sample-Hummert, Compton and Pedlar & Ryan are the agencies involved. The renewals are for one year each.

Lum 'n' Abner, broadcasting three times weekly for General Foods, over 48 stations, have been renewed for one year through Young & Rubicam.

Bulova Watch Co., broadcasting time signals over the 10 owned and operated CBS stations, have renewed the feature for one year, effective Jan. 1.

Barber Leaves WLW; Joins General Mills

CINCINNATI, Dec. 26.—Walter "Red" Barber, WLW-WSAI sports announcer since 1934, has resigned, effective Jan. 1, to accept a post with the sports department of General Mills, Minneapolis. It is believed that he will be stationed at Brooklyn, N. Y., which recently applied for permission to broadcast baseball games during the coming season.

Barber broadcast play-by-play accounts of the world series games for NBC this year, and previously handled similar assignments for the Mutual web.

Robinson, Trevor to Broadcast from Here

Edward G. Robinson and Claire Trevor, who star in the CBS "Big Town" series for Lever Bros., are coming from Hollywood to broadcast the dramatizations in New York starting with the play of Jan. 10. Clark Andrews, producer, will come to New York also.

Condenser Infringed

Federal Judge Samuel Mandelbaum has ruled that Dubilier Condenser Corp. and Cornell Dubilier Corp. had infringed on two patents owned by Aerovox Corp., plaintiff in the suit, in the manufacture and sale of Dubilier Hi-Mike Electrolytic Condensers, PL-3228. A permanent injunction was issued and Henry Ward Beer was appointed special master to assess damages. Cornell Electric Manufacturing Corp., another defendant, won a dismissal.

Frescott Pact Renewed

Norman Frescott, conducting "Uncle Jim's Question Bee" for George Washington Coffee, Saturdays from 7:30 to 8 P. M. on the NBC-Blue, has just had his contract renewed for another term on the air, through Cecil, Warwick & Legler, agency handling the program.

Thelma Prescott to NBC

Thelma A. Prescott, formerly with the Paris Edition of the N.. Y *Herald-Tribune*, has joined NBC as a program director. She will direct television programs for women and arrange fashion shows for telecasting.

Around the Country

Cincinnati

John Brakebill leaving WC[illegible] Scripps-Howard station, as program director . . . Bill Schudt, general manager WKRC, back from a business trip to New York . . . Paul Sullivan, WLW newscaster, celebrating his fourth anniversary on the air Dec. 28 . . . Ray Michaeles, WLW-WSAI announcer, joining NBC in Washington . . . Joseph Ries, WLW-WSAI educational director, back from 10-day trip of educational conferences . . . Harry Hartman, WCPO sportscaster, vacationing in California.

Josef Cherniavsky, WLW musical director, currently conducting "Vocal Varieties," bows in with "My Lucky Break," Jan. 1, as Sunday feature of music and drama, 6 to 6:30 P.M., E.S.T. . . . Red Skelton, guest on "Avalon Time," Brown and Williamson commercial over WLW, has been signed for 13 weeks, beginning Jan. 4. . . . Ray Michaels, WLW-WSAI announcer, left to join WRC-WNAL, Washington. . . . Bob Allen, vocalist with Hal Kemp's orchestra at Netherland Plaza, protege of Ruth Lyons, WKRC program director, introducing song composed by Mrs. Lyons. . . . "Sports-I-View" is new 7 P.M. Monday through Friday feature on WKRC, in which Allen Stout, sportscaster, conducts a question and answer series. . . . Stout suggests football players hereafter wear numbers on front as well as back of uniforms for quicker identification, to be considered at next conference of Big 10. . . . Bill Schudt, general manager WKRC, is in Charlotte, N. C., for holidays. . . . Elmer H. Dressman, WCKY publicity head, and wife, in Florida.

"Uncle Ben" on Dec. 31

CINCINNATI, Dec. 26.—Brown and Williamson Tobacco Co., Louisville, Ky., currently sponsoring "Plantation Party," 9 to 9:30 P.M., E.S.T., Fridays, and "Avalon Time," 7 to 7:30 P.M., E.S.T., both originating at WLW for NBC, starts "Uncle Ben's Dog House," 30-minute weekly show over WLW Dec. 31. All accounts placed by Russell M. Seeds Agency.

Program on Skates

Cincinnati, Dec. 26.—"The Man on Skates" is the title of a novel commercial inaugurated by WSAI for the Norwood Roller Rink, aired for 15-minute periods Wednesdays, Thursdays and Fridays. Gordon Shaw, skating up and down a prominent street in the business sector, stops at the entrance of the Carew Tower to interview pedestrians, who are presented with two passes to the rink. Interviews are carried by a pack transmitter handled by an engineer accompanying Shaw.

"KENTUCKY"

SMASHING ALL RECORDS

at the

ROXY, NEW YORK
and
RIALTO, LOUISVILLE
and
POLI, NEW HAVEN
and
KEITH'S DAYTON
and
POLI, BRIDGEPORT
and
INDIANA, INDIANAPOLIS

SANGER, NEW ORLEANS
and
MALCO, MEMPHIS
and
MILLER, WICHITA
and
POLI, HARTFORD
and
FOX, ST. LOUIS
and
OLYMPIC, UTICA

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

RADIO CITY MUSIC HALL

celebrates the most

Joyous New Year in

its history as its

records get ready to

disappear in a hilarious

cloud of ectoplasm.

Happy 1939 also for the

thousands of exhibitors

who have waited for the

sequel to "Topper".

Opens at Radio City

Thursday, December 29th

HAL ROACH presents

TOPPER TAKES A TRIP

CONSTANCE BENNETT *again as the ghost* **ROLAND YOUNG** *again as Cosmo Topper* **BILLIE BURKE** *again as Mrs. Topper*
ALAN MOWBRAY *again as Topper's Valet* with VERREE TEASDALE • FRANKLIN PANGBORN • ALEXANDER D'ARCY • *Directed by* NORMAN Z. McLEOD
Screen Play by EDDIE MORAN, JACK JEVNE, and COREY FORD • Based on the Novel by THORNE SMITH • *Produced by* MILTON H. BREN

RELEASED THRU UNITED ARTISTS

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 44. NO. 125 NEW YORK, WEDNESDAY, DECEMBER 28, 1938 TEN CENTS

Managers Act To Get Voice On Basic Pact

Seek to Force Dramatists' Guild to Include Them

Considerably irked by the failure of the Dramatists' Guild to include them in the negotiations now being conducted with Jake Wilk, Warner story editor, for modification of the basic agreement, New York legitimate stage producers have taken steps to compel the Guild to discuss the matter with them. Through the League for New York Theatres, notice was sent to the Guild that a meeting be called of the Joint Advisory Committee on Motion Pictures which considers the relationship between the stage and film industry.

Although the power of this committee to recommend changes in the basic pact is considered doubtful by some, it is regarded as a necessary step by the managers. Five producers, five playwrights, and Sidney R. Fleischer, arbiter, constitute the committee which was set up by the basic agreement. No reply has been received from the Guild, but it is expected that a date for meeting will be set shortly.

Others Behind Move

Present negotiations between Wilk and the Guild are at a temporary standstill. Although both sides indicate that an understanding has been reached, details of operation have not been ironed out. Behind the move by the League are Actor's Equity, the stagehands, scenic artists and similar groups who are interested in increased employment for the stage.

If negotiations with Wilk or the

(*Continued on page* 4)

Para. Gets Cooper For "Beau Geste"

HOLLYWOOD, Dec. 27.—Paramount gets Gary Cooper, by arrangement with Samuel Goldwyn, for the latter's picture, "Beau Geste." Fred MacMurray and Ray Milland will be in the film, too.

Paramount has been angling for Cooper for this film for some time, and the fact that Goldwyn had no immediate plans for the player has resulted in Paramount's getting him for the desert picture.

Radio—Page 10

Mexico Plans 200 Propaganda Shorts

Mexico City, Dec. 27.—Large scale production of shorts, all Federal Government propaganda, is to be undertaken next year by the administration's publicity department. It is to make 200 such shorts, mostly two-reelers.

Amended RKO Plan May Get Tentative Approval Tomorrow

Unless something unforseen occurs, the chances are pretty good that Federal Judge William O. Bondy will tentatively approve RKO's amended reorganization plan, when the much delayed matter again comes up for hearing before him, tomorrow. It is understood that whatever objections there may have existed regarding the manner in which consents to the plan were received, and the number of these, have been met by the sponsors.

Yesterday, Federal Judge Bondy extended the term of authority of Irving Trust Co., trustee, for six months, for the purpose of affirming or disaffirming contracts and leases to which RKO is a party.

Such extension of a trusteeship is largely technical.

STRONG PRODUCT BOOMS BROADWAY

Natan, Once Chief of Paris Pathe Cinema, Arrested in Swindle

PARIS, Dec. 27. — Bernard Natan, former president of Pathe Cinema, was arrested today charged with a seven million franc swindle. Arrested with him on the same charge were Simon Cerf and Alexandre Johannides. Pathe Cinema was declared bankrupt in 1935 when under the Natan management at request of a shareholders' committee headed by Robert Dirier.

Bernard Natan, who produced leading French films at the start of his career as a producer, was a leader in the fight against the importation of American films into France.

20th-Fox to Screen Film Industry Story

HOLLYWOOD, Dec. 27.—Darryl F. Zanuck has decided to make for next season's 20th Century-Fox program a picture tracing the history of the film industry, to be called "Hollywood Cavalcade." Ernest Pascal has been assigned to write the original story.

New Films Draw $200,000 Over Xmas Weekend; Weather Helps

More than ordinary box-office value is being demonstrated by new product on Broadway. The Main Stem's box-office, stimulated by the holiday spirit and children, out of school, with thousands of out-of-town visitors in the city, sent the weekend Christmas grosses above $200,000. It rained Saturday night, but otherwise moderate weather helped additionally.

Long queues of customers decorated the sidewalks around the Radio City Music Hall, the Roxy and the Strand, from opening to past midday. All the theatres did outstanding business.

"Carol" Rolls-up $87,000

"Christmas Carol" rolled up an estimated $87,000 at the Music Hall in six days, since opening Thursday. The Strand, with "Dawn Patrol" and a stage show headed by Abe Lyman, took $42,000 in five days, and the Roxy garnered $40,000 in five days with "Kentucky."

"The Beachcomber" with $26,000 in three days and a midnite show, started the Rivoli off strong after being shuttered two weeks. The Globe is having one of its best weeks with "The Lady Vanishes," a Gaumont-British film. Off to good notices, this import got $8,400 in four days. Last week the Globe did $6,500 with "Adventure in Sahara."

"Artists and Models Abroad" drew an estimated $50,000 at the Para-

(*Continued on page* 4)

Best Dividend Since '32 by F. P. Canadian

Toronto, Dec. 27.—Common shareholders of Famous Players Canadian Corp. received a Christmas present in the form of a bonus of 20 per cent on each share in addition to the quarterly dividend of 15 per cent on Dec. 22, total dividend for the year being 80 cents a share.

Increased business in 1937 is indicated in the bonus payment because the total disbursement in 1937 was 60 cents a share. The peak dividend was recorded in 1932 when $1 a share was paid, this year's payment being the highest since then.

Patriotic Appeal to Mark 1939 Product, Says Warner

HOLLYWOOD, Dec. 27.—Pictures with an American theme and product designed with a patriotic appeal will be the chief trends in production in 1939, in the opinion of Jack L. Warner, vice-president of Warners.

These trends will be reflected in Warners' production program. "World conditions have made Americans more appreciative than ever before of their heritage of liberty and democracy," Warner said.

Pointing to a population of 175,000,000 persons in South and Central America, Warner said his company plans additionally a series of films about the great heroes of our Latin American neighbors, the first on the life of Simon Bolivar and the second on San Martin, who freed the Argentine and Chile. This series will be in color.

"The Monroe Doctrine" is also scheduled for production, the studio feeling that this will be especially timely. English and Spanish language versions will be made.

Typical American dramas which Warner said will be made during the year include "Dodge City," "Oklahoma Kid," "Union Depot," "Stand Up and Fight" and "Let Freedom Ring," a Civil War story. The first two will be Warner films.

Warners will continue the production of service pictures. Definitely scheduled are "Wings of the Navy," "Panama Canal" and "Confessions of a Nazi Spy," dealing with the fight against espionage.

In addition, said Warner, his studio will make color films of great Americans, based on the biographies of George Washington, Benjamin Franklin, Abraham Lincoln and Haym Salomon, who helped finance the Revolutionary War. Other companies plan pictures on Lincoln and Theodore Roosevelt. Warners will also film "The Bill of Rights."

◂ Purely Personal ▸

MILTON BREN, production executive of the Hal Roach studios, will arrive in New York tomorrow from the coast for the opening of his latest production "Topper Takes a Trip," at the Music Hall.

●

W. RAY JOHNSTON, Monogram president, has a new automatic phonograph, radio and folding bar combination, a Christmas gift from franchise holders.

●

JACK SICHELMAN, assistant to HERMAN WOBBER, 20th Century-Fox general sales manager, has returned from the coast. WOBBER returns next week.

●

HELEN HAYES will receive the honorary degree of Doctor of Humane Letters from Hamilton College on Jan. 15.

●

P. J. FRIEDHOFF, treasurer of Monogram Productions, arrived from the coast yesterday for a week's stay.

●

JOHN MANHEIMER, I.T.O.A. executive secretary, will spend New Year's with his son, ARTHUR, in Cleveland.

●

ESTELLE TAYLOR has been tested for the part of BELLE WATLING in "Gone With the Wind."

●

DAVID LOEW is in town and probably will remain here for several weeks.

●

EDWARD COHEN, 20th Century-Fox manager in Ecuador, arrives today for conferences.

●

WILLIAM FITELSON, attorney, plans to vacation in Europe soon.

●

WILL H. HAYS has deferred his return from Indiana until tomorrow.

Horwitz to Florida

CLEVELAND, Dec. 27.—M. B. Horwitz, local independent circuit owner, leaves the end of the week for Florida to complete his convalescence from pneumonia.

THE MERCURY

GIANT SKYSLEEPERS

OVERNIGHT TO LOS ANGELES

Fly the Southern SUNSHINE route overnight to Los Angeles. Through service. No change of planes. Giant SKYSLEEPERS. Complimentary meals served by stewardesses.

Mercury Lv. 5:10 p. m. (*only 3 stops*)

Southerner Lv. 9:10 p. m. (*only 5 stops*)

FOR RESERVATIONS: Call Your Travel Agent or VANderbilt 3-2580. Ticket Offices: 45 Vanderbilt Ave., and Rockefeller Center, 18 W. 49th St.

AMERICAN AIRLINES *Inc.*

Insiders' Outlook

ALONG with other Federal "nuisance" taxes, the 10 per cent amusement levy expires next June. This tax has had the effect of limiting the upward scale of admission prices. It has acted as a ceiling on theatre admissions. Should the tax be renewed, it would seem likely that no widespread increase in admission prices throughout the country will be had in 1939.

The present expectations in Washington tend to an extension of this tax for another two years. As a matter of fact, Senator Connally of Texas, of the Senate Finance Committee, indicated that these "nuisance" levies would be renewed.

Last year it seemed for a time that these taxes would be either repealed or modified as part of a general revision of the national tax structure. The Treasury Department conducted a long study of the situation, but thus far nothing concrete seems to have come of it.

▼ ▼

Prospect of the restoration of the amusements tax for theatres in Ontario in 1939 has lessened with the hint of retirement because of ill-health of Premier M. F. Hepburn. He had been considering a revival of the ticket levy on the ground that some theatres had not passed on to the public the benefit of the elimination of the tax last year by a similar reduction in admission prices.

Hepburn has been at loggerheads with others in his political party and he has intimated that he will shortly take a long vacation. The development is taken to mean that any proposal for the reintroduction of the amusement tax, which brought $2,000,000 to the treasury in its last complete year, would be shelved.

Arthur Loew, head of M-G-M foreign activities, dropped into the office yesterday morning, after flying up from Trinidad Monday night, a real Santa Claus, if slightly late. From his own pocket he gave each employe of his department in New York, regardless of salary, one week's pay as a Christmas bonus, plus $25 each to cover the cost of Christmas dinner.

▼ ▼

Beverley Baxter, formerly director of public relations for Gaumont British Corp., and now a Conservative member of Parliament for North London, is the author of a new book, "Westminster Watchtower." It's all about British politics.

▼ ▼

Report persists that Alfred Wallenstein has been signed by William S. Paley to head American Record Corp., control of which was taken over last week by CBS for a reported price of $700,000. Wallenstein is currently musical director of WOR, and conductor of the symphonic orchestra on the Firestone program on NBC.

CBS purchased 80 per cent of the record company's stock for $700,000, receiving an option on the balance of the stock. The move is viewed as destined to make CBS a factor in the transcription business. Acquired by CBS in the deal were four other phonograph and record companies, Columbia, Brunswick and Vocalian, all subsidiaries of American Record.

▼ ▼

Warner home office employes earning $25 to $100 a week have received a holiday bonus of $25. Those earning less than $25 a week were given a week's salary. Sales department employes shared in a bonus distribution based on revenue drive standings.

▼ ▼

Others have been deterred but State Senator Phelps Phelps of New York, according to news accounts, is determined to introduce a bill in the next legislature amending the State Constitution to legalize lotteries. Naturally, if his proposal is successful, chance games in theatres also will be legalized.

Such a bill must be passed by two successive sessions of the legislature and then ratified at a referendum before it becomes effective. Phelps' presently apparent objective seems to be a lottery for State revenue purposes.

▼ ▼

Film critics of lay weekly and monthly publications, apparently have abandoned their idea of giving film awards this year. The reviewers vote Friday night on the best picture of 1938, the best director, best actor, actress.

The "CONTINENTAL" to LOS ANGELES

Deluxe overnight Sleeper

★ Latest evening departure — 5:20 p.m.—with arrival for morning business in Hollywood. Or take United's famous Overland Flyer, another Sleeper plane, leaving at midnight. Fast, luxurious, fewest stops.

RESERVATIONS at 58 East 42nd Street, MUrray Hill 2-7300. Or travel bureaus, hotels.

UNITED AIR LINES

The Main Line Airway

Metro Continues Auditing System

M-G-M will continue the rotating system of branch office and theatre auditing which has been in effect during 1938. Under this policy, which will continue at least another season, inspections are made by different traveling auditors, the aim being to cover branch offices four times a year.

The annual meeting of M-G-M auditors is under way at the Astor. The meeting started yesterday and will wind up Friday. Alan F. Cummings, head of exchange operations, and Charles K. Stern, assistant treasurer, are in charge.

Theatre audits will be discussed tomorrow by Harold L. Cleary, Irving Schlossberg and Charles Quick. On Friday Charles J. Sonin and William Reilly will discuss accessories.

William F. Rodgers, general sales manager, and Division Managers Tom Connors and Ed Saunders will address the meeting. On Thursday night there will be a dinner dance at the Astor.

Attending the sessions are Joseph L. Collard of Toronto, Canadian representative; Parke D. Agnew, traveling master booker; William Marsh, John J. Ash, Charles J. School, Robert L. Long, Charles W. Aaron, Thomas F. Grady, Jay H. Zimmerman, Charles Fogle, representing J. S. MacLeod, exchange maintenance manager, and Ben Wolf and Nat Rochlin, student auditors.

Canada Conciliation Meeting Is Delayed

TORONTO, Dec. 27.—A quorum was lacking at the meeting of the Canadian Conciliation Committee to deal with revisions in the license agreement urged by the Independent Theatres Association through N. A. Taylor, vice-president of that organization, and another session was called for Jan. 6.

At the previous session on clearance, held early in December, the independents proposed a revision in protection on "B" pictures as a first step in the program and representatives of the circuits were requested to report back on the suggested change.

MOTION PICTURE DAILY

(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco. New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS:—*Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

It's a
SOCK!

STAND

M-G-M *urges you to go on*

Strong Product Booms Broadway

(*Continued from page* 1)

mount in the week ending last night.

The Capitol, with "Sweethearts," reports better business than the corresponding period last year. "Pygmalion," at the Astor, is still S.R.O.

Children and their parents, in holiday mood, jammed the early shows yesterday. At the Music Hall, the crowds overflowed from the lobbies into an almost unbroken line extending eight abreast along 50th St. from Sixth Ave. and curled around Rockefeller Plaza, where several hundred additional waited. The Roxy line went almost to Sixth Ave. Many in the queues were of high school age.

Holiday attractions make way for new films at the Music Hall, where "Topper Takes a Trip" starts tomorrow; at the Criterion, where "Ride a Crooked Mile" replaces "Blondie," and at the Rialto, which replaces "Wild Heart of the North" with "Black Cat."

'Angels' $13,600 In Buffalo Storm

BUFFALO, Dec. 27.—First run grosses took a tail spin here as the city saw its nastiest stretch of weather this year. Rain, snow and sleet pelted the Christmas shoppers almost constantly.

"Angels With Dirty Faces" weathered the storm most successfully, making $13,600 for the Buffalo. The Lafayette dual, "Gangster's Boy" and "Road to Reno," took $7,800.

Estimated takings for the week ending Dec. 17:

"Angels With Dirty Faces" (W.B.)
BUFFALO — (3,000) (30c-55c) 7 days. Gross: $13,600. (Average, $12,000)
"There Goes My Heart" (U.A.)
GREAT LAKES—(3,000) (30c-50c) 7 days. Gross: $6,500. (Average, $7,500)
"Spring Madness" (M-G-M)
"Down on the Farm" (20th-Fox)
HIPPODROME—(2,500) (25c-40c) 7 days. Gross: $4,600. (Average, $6,800)
"Up the River" (20th-Fox)
"Sharpshooter" (20th-Fox)
CENTURY—(3,000) (25c) 7 days. Gross: $5,500. (Average, $6,000)
"Gangster's Boy" (Mono.)
"Road to Reno" (Univ.)
LAFAYETTE — (3,300) (25c) 7 days. Gross: $7,800. (Average, 6,300)

Manheimer Quits Circuit

SEATTLE, Dec. 27.—Richard Manheimer has resigned as assistant booker of John Danz's Sterling theatres, effective Jan. 14. He will be succeeded by Paul Bangasser, at present manager of the circuit's Woodland.

Warners Move Plottel

VANCOUVER, B. C., Dec. 27.—After 12 years in Vancouver, Joe Plottel has been transferred to manager of the the Warner Toronto branch, effective Jan. 9.

Matthew Fox Leaves

Matthew Fox, vice-president of Universal who has been here for the holidays, left yesterday for California. He is due on the coast on Friday.

REOPEN IN INDIANAPOLIS

INDIANAPOLIS, Dec. 27.—Circle and the Indiana, downtown first runs, and the Hamilton, neighborhood, have reopened here after remodeling.

Resuming Giveaway Discussions Today

Further discussion of the proposed elimination of cash giveaways in the New York Metropolitan area will be held today at a meeting of the exhibitor committee at the Astor. This will be the first meeting of the full committee appointed by Harry Brandt, president of the I.T.O.A.

Will Ask $5,000 Fee In 'Test Pilot' Suit

J. Robert Rubin will apply to Federal Judge Henry W. Goddard today for an allowance of $5,000 counsel fees against the estate of Jimmy Collins which brought suit against M-G-M for alleged infringement of the book "Test Pilot" in the M-G-M film of the same name. Federal Judge Alfred C. Coxe dismissed the copyright infringement charges in the complaint on Nov. 25, but permitted allegations of unfair competition to remain.

GN Sets Deals with 3 Midwest Circuits

KANSAS CITY, Dec. 27.—Grand National has closed deals with Fox Midwest Theatres, Inc., Glen W. Dickinson Theatres, Inc., and Dubinsky Brothers circuit here on all 1938-'39 product for all houses, Russ Borg, branch manager reports. Edward A. Alperson, general sales manager, and James Winn, Midwest district manager, were here late last week to complete the deals.

Leach Joins Imperial

NEW HAVEN, Dec. 27.—Harry Segal of Imperial Pictures, Boston, has appointed Charles W. Leach, formerly G. B. representative here, in charge of Connecticut sales of Imperial, with offices here.

"Drug King" Rushed

HOLLYWOOD, Dec. 27.—Plans for "Drug King," in which Claude Rains is expected to play the title role, are being rushed at the Warner studio. Gloria Dickson and Fay Bainter also are tentatively set for the cast.

Cummings to Boston

Joseph M. Cummings, with Loew's 20 years and with the auditing department 15 years, is retiring as auditor to join the Boston office staff.

Coast Shooting 39 Features with 70 In Cutting Rooms

HOLLYWOOD, Dec. 27.—Thirty-nine pictures were before the cameras this week, as eight finished and three started. This represents a drop of five from last week's total. Twenty-five pictures are being prepared, and 70 are in the cutting rooms.

Started were: "Plane No. 4," "Romance of the Redwoods," Columbia; "Forged Passport," Republic. In addition to these, shooting were:

"Let Us Live," "Mounted Police No. 1," Columbia; "Wuthering Heights," Goldwyn; "Ice Follies of 1939," "Song of the West," "Four Girls in White," "Fast and Loose," "The Wizard of Oz," "I Take This Woman," "Huckleberry Finn" and "Broadway Serenade," M-G-M; "Navy Girl," Monogram; "Union Pacific," "Midnight," "The Lady's from Kentucky," "I'm from Missouri," "Me and My Gal," "Sweepstakes Millionaire," Paramount; "Love Affair," "The Romantic Castles," "The Saint Strikes Back," RKO; "Ridin' the Range," "The Lone Ranger Rides Again," Republic; "It's Spring Again," Roach; "Son of Frankenstein," "You Can't Cheat an Honest Man," "Three Smart Girls Grow Up," "Code of the Streets," Universal; "Stage Coach," Wanger; "Dodge City," "Juarez," "Broadway Cavalier," "Torchy Blane Runs for Mayor," "Smashing the Money Ring," "Sweepstakes Winner" and "On Trial," Warners.

Finished were "First Offender," Columbia; "Honolulu," M-G-M; "Heritage of the Desert," Paramount; "Flying Irishman," RKO; "Dr. Judith Randall" and "Pride of the Navy," Republic; "Mr. Moto in Porto Rico" and "Winner Takes All," 20th Century-Fox.

M-G-M is shooting one short subject, the only activity in this field. RKO finished one. Three are being prepared and 13 are being edited.

Tietjen Funeral to Be Held Here Today

Funeral of Lester Tietjen, who died Sunday night at Post Graduate Hospital, will take place today. Head of the Warner playdate department, he had been connected with the company for about 15 years. Services were held last night. He is survived by his wife, Mrs. Gertrude Tietjen.

The Newsreel Parade

Paramount, News of the Day and Universal present a resume of important happenings during 1938. *H. V. Kaltenborn, for Pathe, reviews wars during the past year in Spain, China and the crisis in Europe, and climaxes the reel with the conferences in Lima, Peru. The reels and their contents follow:*

MOVIETONE NEWS, No. 31.—Roosevelt celebrates holiday. Sea rescue in New York. Prince and Princess of Greece. Chamberlain snubbed by Nazis. Speed bombers pass test. Fashions. Premiere of "Kentucky." Lew Lehr. Golden Gloves. Swimming. Cabinet member resigns.

NEWS OF THE DAY, No. 229.—Aviation, disasters, drama, war, crisis in Europe, and the United States re-arming during 1938.

PARAMOUNT NEWS, No. 42.—Important occurences during 1938. Mr. Average American gives his conception of the year's news.

RKO PATHE NEWS, No. 46.—War in Spain and China. Nazis occupy Austria. Czechoslovakia sacrifices independence. "Big Four" conference in Europe. Peace conference in Lima.

UNIVERSAL NEWSREEL, No. 731.—Wars, floods, a hurricane, bus and railroad wrecks, an oil tank fire, suicide leap, Coster case, Cardinal Hayes' death, elections and aviation highlights. during 1938.

Wisconsin I.T.P.A. Files Bingo Action

MILWAUKEE, Dec. 27.—Independent Theatres Protective Association of Wisconsin, as another step in its vigorous fight on Bingo games, which are claimed by the exhibitor organization to be cutting into theatre business, has filed a complaint with the state industrial commission. The [illegible]nplaint charges violation of the child labor laws in the alleged practice of promoters in employing children of 12 and 13 years to pass out Bingo cards.

The state labor laws prohibit children under 16 from working at night and the industrial commission has ruled against children from 16 to 18 being employed in connection with operation of games of chance.

The exhibitor group also has solicited the support of the better business bureau of the Milwaukee Association of Commerce in an effort to obtain impartial enforcement of the lottery and gambling laws.

The bureau, according to Geoffrey Willoughby, its manager, always has opposed Bank Night, Bingo and other business stimulators. Such enterprises, he asserted, have no place in business and add nothing to the value of the merchandise and service which business sells.

The Federation of American Women at Racine, Wis., has passed a resolution condemning Bank Night "particularly because of the deploring effect on young people of the city."

Managers Ask Voice On Basic Agreement

(*Continued from page* 1)

managers are successful, film companies will be enabled to purchase story properties before the play is produced and thus will be encouraged to invest in Broadway production.

Composition of the committee is Brock Pemberton, Marcus Heiman, Lee Shubert, Warren P. Munsell and Herman Shumlin for the managers, with Max Gordon, James R. Ullman, Lawrence Langner, Arthur Hopkins and L. Lawrence Weber as alternates. For the Guild, Sidney Howard, Kenyon Nicholson, Owen Davis, Sr., Howard Lindsay and John Howard Lawson, with Marc Connelly, Robert C. Sherwood, George Abbott Elmer Rice and Lillian Hellman as alternates. Feischer is the eleventh member and arbiter.

Cleveland Union Is Headed by DiFranco

CLEVELAND, Dec. 27.—Film Exchange Employes B-5 of Local 160 I.A.T.S.E. have elected the following officers to serve for one year: Frank DiFranco, Universal shipper; president; Carmel Schettine, Universal inspectress, vice-president; Irwin Sears, Warner shipper, financial secretary. Ira G. Beckatead was re-elected business manager. Installation of new officers will take place Jan. 4 in Carpenters' Hall.

NEW HOUSE IN MEXICO

MEXICO CITY, Dec. 27.—Aguascalientes City, an important central provincial town, has increased the number of its theatres to four with the opening of the Cine Rex, a modern 2,500-seat house.

It's
the
MONEY!

UP

Go on

64 Houses Built in KC Area in 5 Years

Kansas City, Dec. 27.—In the five years ending this month, an independent survey shows, 32 new theatres have been built in Kansas, representing 18,160 seats, and 32 have been constructed in western Missouri, with 18,000 seats, a total of 64 houses and 36,160 seats for the Kansas City area.

About half of the new houses constructed in Missouri represent new theatres in the strict sense of the term; that is, the seats were not in existence before. The percentage of new seats runs higher among the theatres built in Kansas in the same period.

Theatre Changes

GHOSEN RESUMES CONTROL

Kansas City, Dec. 27.—J. T. Ghosen of Sedalia, Mo., will resume full control of his four houses in Clinton, Tipton, Versailles, and Sweet Springs, Mo. For the past year Ghosen has had an operating arrangement with the Glen W. Dickinson Theatres, Inc.

A LEGENDRE BUILDING

Lumberton, N. C., Dec. 27. — Morris Legendre plans a $20,000 theatre building here, the house to seat 1,000.

WEARY OPENS HOUSE

Richmond, Mo., Dec. 27.—Frank Weary has opened the new 500-seat Vogue here. The house is the second for Weary and for Richmond. He also operates the Ferris.

HAYOB REMODELING

Kansas City, Dec. 27.—George Hayob is remodeling and reseating the Mary Lou at Marshall, Mo.

TO RAZE RKO GRAND

Cincinnati, Dec. 27.—RKO Grand, originally Grand Opera House when playing legitimate attractions prior to acquisition by the circuit several years ago, will be razed and replaced with a modern theatre and store building by the Taft estate, owners.

BUY KANSAS HOUSE

Kansas City, Dec. 27.—Howard M. Wilson and Catherine Wilson have purchased the Majestic, Jetmore, Kan., from Herman Lee.

HENRY BUYS IN IOWA

Stuart, Ia., Dec. 27.—Lee Henry, owner of the Stuart here, has bought the Strand in Ackley, Ia. He will continue the operation of the Stuart.

REOPENS CINCY HOUSE

Cincinnati, Dec. 27.—Mayfair, 400-seat downtown house, dark for past two seasons, has reopened. Foreign pictures will be played every other week with the alternate weeks dark. Admission will be 55 cents, with book of five tickets at $2, according to J. Ebersole Crawford, lessee.

COMMONWEALTH HOUSE

Kansas City, Dec. 27.—Commonwealth Amusement Corp. has taken over the Hermo at Herman, Mo., on a partnership basis with Caspar Bassman, who will remain as manager.

THOMPSON ACQUIRES TWO

Atoka, Okla., Dec. 27.—Glenn Thompson, operator of the Pix here and other Oklahoma theatres, has acquired the Atoka and New from Earl Barrett.

OPENS IN MILWAUKEE

Milwaukee, Dec. 27.—The Garden downtown house dark for many months, has reopened as the Little, showing single feature foreign bills exclusively.

ALLEY REOPENS HOUSE

Panora, Ia., Dec. 27.—Bill Alley of Guthrie Center, Ia., has reopened the Ritz here.

Out Hollywood Way

Hollywood, Dec. 27.—**Lee Tracy** returns to Hollywood next month to be starred in RKO's "What's a Fixer For?" which **Cliff Reid** will produce. **Donnie Dunagan**, four years old, also is cast. **Paul Yawitz** and **Bert Granet** are writing the screenplay. . . . **Louis Prima** and his band have been signed to appear in "Rose of Washington Square" at 20th Century-Fox. . . . Warners are planning "The Drug King," based on the current McKesson & Robbins swindle. Set for top roles are **Claude Rains**, **Margaret Lindsay**, **Fay Bainter**, **Victor Jory**, **Donald Crisp**, **James Stephenson**, **Gloria Dickson** and **Henry O'Neill**. . . . **Randolph Scott** gets the adult lead in **Shirley Temple**'s next picture, "Susanna of the Mounties," at 20th Century-Fox.

✣

Cedric Hardwicke gets the role of "Stanley" in 20th Century-Fox's "Stanley and Livingstone." Other top roles are filled by **Spencer Tracy**, borrowed from M-G-M, **Nancy Kelly**, **Walter Brennan** and **Richard Greene**. . . . Second of the short subjects in Warners' "Heroes of the Western Hemisphere" series will be "The Story of San Martin," hero of Argentine, Chile and Peru. . . . **Cliff Simpson**, assistant football coach at U. C. L. A., is now a second assistant director on "Sky Pirate," **Paul Malvern** production for Monogram. . . . Warners have given star rating to **John Garfield**, **Ann Sheridan** and the "Dead End" boys. . . . **D. A. Doran** and **Tim Durant**, forming a company for the remake of the European film, "Variety," are trying to borrow **Paulette Goddard** from Selznick International for the Lya de Putti role.

✣

Contracts—Christmas time brought good news to a number of film workers, especially those whose options were exercised, and who received new contracts. M-G-M renewed the pacts of **Spanky MacFarland**, **Edward Kilroy**, actors, and **Hal Rosson**, cinematographer. Warners had a spree of it, re-signing **Fay Bainter**, **George Brent**, **James Stephenson**, **Gabriel Dell** and **Huntz Hall**, players; **Milton Krims** and **Michael Fessier**, writers; **Gordon Hollingshead**, short subject producer; **Crane Wilbur**, writer-director, and **Heinz Roomheld**, composer. **Muriel Angelus**, English singing actress now in "The Boys from Syrcause," on Broadway, was signed by Paramount and will report to the studio as soon as the play's run is ended.

"School" Dual Tally $4,900; N. H. Slumps

New Haven, Dec. 27.—"Girls' School" and "Hard to Get" at the Roger Sherman was the only bill to exceed average in the week before Xmas. Gross was $4,900.

"Smashing the Spy Ring" and "Flirting with Fate" at the College took $2,000. "Illegal Traffic" and Always in Trouble" at the Paramount grossed $2,500.

Estimated takings for the week ending Dec. 23:

"Smashing the Spy Ring" (Col.)
"Flirting with Fate" (M-G-M)
COLLEGE — (1,499) (25c-35c) 7 days. Gross: $2,000. (Average, $2,500)

"Dramatic School" (M-G-M)
"Down on the Farm" (20th-Fox)
LOEW-POLI — (3,040) (35c-50c) 7 days. Gross: $6,000. (Average, $8,000)

"Illegal Traffic" (Para.)
"Always in Trouble" (20th-Fox)
PARAMOUNT—(2,348) (35c-50c) 7 days. Gross: $2,500. (Average, 4,400)

"Girls' School" (Col.)
"Hard to Get" (W.B.)
ROGER SHERMAN—(2,200) (35c-50c) 7 days. Gross: $4,900. (Average, $4,700)

'Heart of North' $6,000, Montreal

Montreal, Dec. 27.—"Heart of the North" and "The Devil's Party" at the Capitol grossed $6,000 for first place in the pre-holiday week.

"The Arkansas Traveller," on a double bill at the Princess, with "Thanks for the Memory," took $5,000, while "The Great Waltz," playing alone accounted for $5,500 at the Palace.

Estimated takings for the week ending Dec. 24:

"Heart of the North" (F.N.)
"The Devil's Party" (Univ.)
CAPITOL — (2,547) (25c-40c-55c-65c) 7 days. Gross: $6,000. (Average, $9,500)

"Girls on Probation" (F.N.)
LOEW'S — (2,800) (25c-40c-50c) 7 days. Stage: Five vaudeville acts. Gross: $4,500. (Average, $8,000)

"The Cowboy and the Lady" (U.A.)
ORPHEUM—(919) (25c-35c-50c) 7 days, 3rd week. Gross: $2,000. (Average, $5,000)

"The Great Waltz" (M-G-M)
CAPITOL — (2,600) (25c-40c-55c-65c) 7 days. Gross: $5,500. (Average, $11,000)

"The Arkansas Traveler" (Para.)
"Thanks for the Memory" (Para.)
PRINCESS — (2,272) (25c-35c-50c-65c) 7 days. Gross: $5,000. (Average, $7,000)

Nine New Pictures Approved by Legion

National Legion of Decency has approved all of the nine new pictures reviewed for the current week, classifying the nine as unobjectionable for general patronage. The list of new films reviewed follows.

Class A-1, Unobjectionable for General Patronage—"The Arizona Wildcat," "The Girl Downstairs," "Red River Range," "Shine On, Harvest Moon," "Smashing the Spy Ring," "The Strange Case of Dr. Meade," "Sweethearts," "The Terror of Tiny Town," "Wings of the Navy."

Chicago Gives 'Trade Winds' Good $12,600

Chicago, Dec. 27.—"Trade Winds" blew into the Loop this week to gross $12,600 at the Roosevelt. "Shi[illegible] Hour" at the United Artists hit $1[illegible]000, while business in other houses was off considerably. "Young in Heart" took $33,000 at the Chicago. The Christmas slump cut in and unsettled weather didn't help.

Estimated takings for the week ending Dec. 20-24:

"Angels With Dirty Faces" (W.B.)
APOLLO — (1,400) (35c-55c-65c) 7 days, 2nd week. Gross: $4,000. (Average $6,500)

"Young in Heart" (U.A.)
CHICAGO — (4,000) (35c-55c-75c) 7 days, 2nd week. Stage: Vaudeville Revue. Gross: $33,000. (Average, $21,000)

"Young Dr. Kildare" (M-G-M)
GARRICK — (900) (30c-40c-50c) 7 days. Gross: $4,300. (Average, $6,500)

"Five of a Kind" (20th-Fox)
ORIENTAL—(3,400) (25c-30c-40c) 7 days. Stage: Verne Buck and Revue. Gross: $12,500. (Average, $13,000)

"Annabel Takes a Trip" (RKO)
PALACE — (2,500) (35c-55c-75c) 7 days. Stage: Ben Blue and Revue. Gross: $16,600. (Average, $19,000)

"Trade Winds" (U.A.)
ROOSEVELT—(1,300) (35c-55c-75c) 7 days. Gross: $12,600. (Average, $11,000)

"The Shining Hour" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days. Gross: $15,000. (Average, $15,000)

'Heart of North', $6,500; Milwaukee Falters in Holiday

Milwaukee, Dec. 27.—"Heart of the North" and "Little Tough Guys in Society" collected $6,500 at the Warner, the only bill to better average.

Only other redeeming feature in a slow week was the strong opening of "Sweethearts" and "Young Dr. Kildare" at Fox's Wisconsin. "The Shining Hour," after four days of its second week at the Wisconsin, was continued over to the circuit's Strand.

Estimated takings for the week ending Dec. 22:

"Fire Over England" (U.A.)
LITTLE—(1,098) (35c-50c) 7 days. Gross: $1,800.

"Girls on Probation" (F.N.)
"King of Alcatraz" Para.)
PALACE—(2,400) (35c-50c) 7 days. Gross: $4,800. (Average, $5,000)

"His Exciting Night" (Univ.)
RIVERSIDE — (2,300) (25c-35c) 7 days. Stage: Royal Circus Frolics. Gross: $4,100. (Average, $5,000)

"Out West with the Hardy's" (M-G-M)
"Listen, Darling" (M-G-M)
STRAND—(1,400) (35c-50c) 4 days. Gross: $800. (Average, $4,500)

"The Shining Hour" (M-G-M)
"Submarine Patrol" (20th-Fox)
STRAND—(1,400) (35c-50c) 3 days. Gross: $700. (Average, $4,500)

"Heart of the North" (F.N.)
"Little Tough Guys in Society" (Univ.)
WARNER — (2,400) (35c-50c) 8 days. Gross: $6,500. (Average, $5,000)

"The Shining Hour" (M-G-M)
"A Christmas Carol" (M-G-M)
WISCONSIN — (3,200) (35c-50c) 4 days. Gross: $2,000. (Average, $8,000)

"Sweethearts" (M-G-M)
"Young Dr. Kildare" (M-G-M)
WISCONSIN — (3,200) (35c-50c) 3 days. Gross: $4,000. (Average, $8,000)

It's a
PULSE-STOPPER!

AND FIGHT

Go on

'Winds' Soars To $13,000 in Philadelphia

PHILADELPHIA, Dec. 27.—Usual pre-Christmas slump settled on grosses, but "Trade Winds" at the Aldine defied the season with a heavy exploitation campaign including Frederic March and Director Tay Garnett. Gross for the first week was $13,000.

The publicity for "Ferdinand the Bull" helped to a $12,500 gross at the Fox for "Christmas Carol." The Earle stage and screen bill, "Hard to Get" and Benny Davis on the stage brought a good $16,000. Everything else was off.

Estimated takings for the week ending Dec. 22:

"Trade Winds" (U.A.)
ALDINE—(1,300) (40c-55c-65c-75c) 7 days. Gross: $13,000. (Average, $8,160)

"The Shining Hour" (M-G-M)
ARCADIA—(600) (25c-40c-55c) 7 days. Gross: $2,000. (Average, $2,800)

"Comet Over Broadway" (W.B.)
BOYD—(2,400) (40c-55c-65c) 7 days. Gross: $7,000. (Average, $14,000)

"Hard to Get" (W.B.)
EARLE—(2,000) (25c-40c-55c) 6 days. Stage: Benny Davis' "Stardust" review. Gross: $16,000. (Average, $14,000)

"Christmas Carol" (M-G-M)
FOX—(3,000) 40c-55c-65c) 7 days. Gross: $12,500. (Average, $14,000)

"Cowboy and the Lady" (U.A.)
KARLTON—(1,000) (25c-40c-55c) 7 days. Gross: $3,300. (Average, $4,000)

"Angels With Dirty Faces" (W.B.)
KEITH'S—(2,000) (25c-40c-55c) 7 days. Gross: $3,800. (Average, $4,000)

"Heart of the North" (W.B.)
STANLEY—(3,700) (40c-55c-65c) 9 days. Gross: $10,000. (Average, 7 days, $14,000)

"Little Tough Guys in Society" (Univ.)
STANTON—(1,700) (25c-40c-55c) 7 days. Gross: $4,500. (Average, $7,000)

'Madness' $15,000 Cleveland Best as Grosses Slide Off

CLEVELAND, Dec. 27.—"Spring Madness" on the RKO Palace screen with Count Berni Vici and his "Spices of 1939" on the stage held top honors, with $15,000.

"There Goes My Heart" at Loew's State, drew $11,000, while "Angels With Dirty Faces" held strong in its fourth week at the Allen, where the take was $3,300.

Estimated takings for the week ending Dec. 23:

"Angels With Dirty Faces" (W.B.)
ALLEN—(3,000) (30c-35c-42c) 7 days, 4th week. Gross: $3,300. (Average, $4,000)

"Heart of the North" (W.B.)
WARNERS' HIPPODROME—(3,800) (30c-35c-42c) 7 days. Gross: $7,500. (Average, $12,000)

"Spring Madness" (M-G-M)
RKO PALACE—(3,100) (30c-42c-55c) 7 days. Stage: Berni Vici and "The Spices of 1939." Gross: $14,000. (Average, $15,000)

"There Goes My Heart" (U.A.)
LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: $11,000. (Average, $13,000)

"A Christmas Carol" (M-G-M)
LOEW'S STILLMAN—(1,900) (30c-35c-42c) 7 days. Gross: $2,250. (Average, $4,000)

GN Moves Day to Omaha

OMAHA, Dec. 27.—Bert Day, Grand National salesman at St. Louis for ten years, has been moved here as G.N. branch manager, succeeding Hymie Novitsky.

Hollywood Previews

"The Girl Downstairs"

(M-G-M)

HOLLYWOOD, Dec. 27.—Light and gay, "The Girl Downstairs" has been designed as picture entertainment for those who prefer not to have the imagination subjected to great stress or strain. Its story is one of the many Cinderella variations. Locale of the yarn is Switzerland, but due to the manner in which Harold Goodman, Felix Jackson and Karl Noti translated the Sandor Hunyady original to the screen, the manner in which producer Harry Rapf staged and Norman Taurog directed, all that happens is typically American.

Gay blade Franchot Tone is hampered in his attempts to see his girl, Rita Johnson, by her father, Walter Connolly, who thoroughly dislikes him. Posing as a chauffer, Tone meets the scullery maid, Franciska Gaal, and the consideration he shows her causes her to fall in love with him. Tone plays along with the girl, who, when she believes he is broke, uses her life savings to buy him a taxicab. Eventually the problem has to be solved and Tone solves it in happy style by falling in love with the slavey, much to Connolly's consternation and Miss Johnson's chagrin.

Supporting the romantic theme are three or four amusing interludes, most outstanding of which are Billy Gilbert's scene on the telephone; Tone and Miss Gaal riding in the taxi, which is falling apart, and bits of business and asides contributed by Reginald Owen, Franklin Pangborn, Robert Coote, Charles Judels and James B. Carson.

Running time, 75 minutes. "G"* G. McC.

"Pacific Liner"

(RKO)

HOLLYWOOD, Dec. 27.—Heavy drama, with only a few bits of comedy and a meager trace of romantic love interest, is the entertainment substance of "Pacific Liner." Practically all the action takes place in and about the stoke-hold of a ship making an ocean crossing. Victor McLaglen and Chester Morris are featured in the leading roles. Wendy Barrie is the only woman in the picture.

Romantic attachment for nurse Miss Barrie brings engineer McLaglen and ship's doctor Morris into conflict first. Cholera breaks out among the stoke-hold crew and Morris isolates them in their quarters to prevent the disease spreading to passengers. As one after another fireman and engineer falls victim to the scourge, McLaglen, proud of his record of always keeping the ship on schedule drives the survivors with flailing fists and lashing tongue. The fear that grips the men drives some mad, some turn to religion, one or two commit suicide. When only a handful of men remain, McLaglen grabs a coal scoop himself and helps keep the fires going. Gradually Morris brings the epidemic under control and the ship makes port on schedule. Loving his engines more than anything, McLaglen is not disappointed when Miss Barrie elects to follow Morris to a new medical post.

Anthony Coldeway and Henry Symonds wrote the original story which was adapted by John Twist and directed by Lew Landers.

Running time, 75 minutes. G. McC.

"Long Shot"

(Fine Arts-Grand National)

HOLLYWOOD, Dec. 27.—In all probability, although no release date has yet been set, "Long Shot," fifth of the Fine Arts Productions for Grand National distribution, will be sent out to theatres about the time the sport world will be talking about the $100,000 Santa Anita handicap. "Long Shot" is about horse racing, with its climax at the richest stake race in the world, and exhibitors from this have available a wealth of exploitation ideas.

Executive Producer Franklyn Warner instilled in this a maximum of entertainment. It is a neatly moving story, capably told and skillfully enacted. The cast consists of Gordon Jones, Marsha Hunt, C. Henry Gordon, George Meeker, Harry Davenport, George E. Stone, Dorothy Fay, Frank Darien, Tom Kennedy, Earle Hodgins, Emerson Treacy, Gay Seabrook, Lee Phelps, Ben Burt, James Robinson, Joe Hernandez and James Keefe. Ewart Adamson wrote the screenplay from the original by Harry Beresford and George Callaghan.

Jones, injured while rescuing Miss Hunt from a truck, is forced to give up racing and go to Arizona for his health. He places his string of horses with Davenport's stable, but Davenport loses them. Davenport feigns death and wills Miss Hunt and Jones his last possession, a race horse which he has turned out on the range. They get the horse back, and race it to victory through the intrigues of crooked gamblers.

Running time, 69 minutes. "G."* VANCE KING

**"G" denotes general classification.*

Kay Band and 'On Farm' Is $8,000 in KC

KANSAS CITY, Dec. 27.—Only Herbie Kay and his Orchestra, with "Down on the Farm" bettered average, taking $8,000 at the Fox Tower. "Thanks for Everything" was held at the Esquire and Uptown, with $2,000 and $3,000 respectively.

Estimated takings for the week ending Dec. 22-23:

"Thanks for Everything" (20th-Fox)
ESQUIRE—(800) (25c-40c) 7 days. Gross: $2,000. (Average, $3,000)

"Dramatic School" (M-G-M)
"Smashing the Spy Ring" (Col.)
MIDLAND—(4,000) (25c-40c) 7 days. Gross: $6,800. (Average, $11,500)

"Ride a Crooked Mile" (Para.)
NEWMAN—(1,900) (25c-40c) 8 days. Gross: $6,400. (Average, 8 days, $7,800)

"Down on the Farm" (20th-Fox)
FOX TOWER—(2,200) (25c-40c) 7 days. Stage: Herbie Kay & Orchestra; Fuzzy Combs, Wynne Fair, King Harvey, Novak & Faye, Don Cummins, Del Rios Trio. Gross: $8,000. (Average, $7,000)

"Thanks for Everything" (20th-Fox)
UPTOWN—(2,000) (25c-40c) 7 days. Gross: $3,000. (Average, $4,000)

"Broadway Musketeers" (W.B.)
"Peck's Bad Boy with the Circus" (RKO)
"Girls on Probation" (W.B.)
"Mr. Doodle Kicks Off" (RKO)
ORPHEUM—(1,500) (25c-40c) 8 days, 4 days apiece. Gross: $4,800. (Average, 8 days, $5,500)

'Blondie' $6,200 Strong in Omaha

OMAHA, Dec. 27.—"Blondie," dualled with "Strange Case of Dr. Meade," pulled a strong $6,200 at the Brandeis.

"Hard to Get" and "Christmas Carol" grossed $9,000 at the Orpheum. "Great Waltz," dualled with "Arrest Bulldog Drummond," drew $6,600.

Estimated takings for the week ending Dec. 21-22:

"Blondie" (Col.)
"Strange Case of Dr. Meade" (Col.)
BRANDEIS—(1,200) (25c-35c-40c) 7 days. Gross: $6,200. (Average, $4,000)

"The Great Waltz" (M-G-M)
"Arrest Bulldog Drummond" (Para.)
OMAHA—(2,200) (25c-40c) 7 days. Gross: $6,600. (Average, $5,500)

"Hard to get" (W.B.)
"Christmas Carol" (M-G-M)
ORPHEUM—(3,000) (25c-40c) 7 days. Gross: $9,000. (Average, $7,200)

Crosby, 'River' Give Indianapolis $12,000

INDIANAPOLIS, Dec. 27.—"Up the River" on the screen, with Bob Crosby's orchestra headlining a stage show, tallied $12,000 for the Lyric, only house to do well in a quiet week. "Drums" and "Smashing the Spy Ring" did $5,500 at Loew's, while at the Apollo "Say It in French" and "Ride a Crooked Mile" drew $3,000.

Estimated takings for the week ending Dec. 23:

"Say It In French" (Para.)
"Ride a Crooked Mile" (Para.)
APOLLO—(1,100) (25c-40c) 7 days. Gross: $3,000. (Average, $3,000)

"Drums" (U.A.)
"Smashing the Spy Ring" (Col.)
LOEW'S—(2,800) (25c-40c) 7 days. Gross: $5,500. (Average, $7,000)

"Up the River" (20th-Fox)
LYRIC—(2,000) (25c-40c) 7 days. Stage: Bob Crosby's Orchestra, with Marion Mann, the Bob Cats, All-American Swing Four and Belett & English Bros. Gross: $12,000. (Average, $8,000)

WALLACE BEERY
ROBERT TAYLOR

BIG STARS!

"STAND UP AND FIGHT"

GREAT PRODUCTION!

ADVERTISE!
EXPLOIT!
PROFIT!

Metro-Goldwyn-Mayer's
New Record-Breaker!

WALLACE BEERY and ROBERT TAYLOR in "STAND UP AND FIGHT". With Florence Rice, Helen Broderick, Charles Bickford. Screen play by James M. Cain, Jane Murfin and Harvey Fergusson. Directed by W. S. VAN DYKE II. Produced by MERVYN LeROY. An M-G-M Picture

Announcer Honored

Mexico City, Dec. 27.—A singular honor, the first of the kind to be accorded a Mexican radio announcer, has been bestowed upon Pedro de Lille, announcer for Station XEW here, who has a large following. Station XEFI, Chihuahua City, has had itself officially renamed Pedro de Lille.

General Mills to Resume CBS Time

General Mills, Inc., whose switch of the "General Mills Hour" from CBS to NBC last year seriously affected CBS time sale billings, again will be represented on CBS with a series starting the first of the year.

The new show will feature H. V. Kaltenborn, news analyst, in a new sponsored series to be presented Sundays from 10:30 to 10:45 P. M. over a network of 26 stations. Commercials on the show are to be institutional.

As far as is known, the "General Mills Hour" will remain on NBC, although reports are current that the new series might presage a general buying campaign of CBS time by General Mills.

Batton, Barton, Durstine & Osborn placed the contract for the new series.

WOR Deals Are Set For Three Renewals

Three new contracts have been completed for programs on WOR this week. Childs Restaurants, through Blackett-Sample-Hummert, renewed their contract for the three 45-minute programs per week put on the air by John Gambling. Colgate-Palmolive-Peet is responsible for the other two renewals, for the transcribed versions of the serials, "Myrt and Marge" and "Hilltop House." Otis Williams and George Schmidt are the WOR salesmen who effected the renewals.

Berch in WEAF Series

Jack Berch will appear in a twice weekly series for Sweetheart Soap Co. over WEAF and a small network of NBC stations, starting Jan. 11. The series is to be presented Wednesdays and Fridays from 7:45 to 8 P. M. Franklin Brush agency set the deal, wtih CBS Artists Bureau acting as talent representative for Berch.

Fischer Sponsors Show

B. Fischer & Co., distributors of Astor Coffee, has signed a portion of the WABC early morning show titled "Morning Almanac," which features Phil Cook. Fischer will sponsor the show Tuesdays, Thursdays and Saturdays, starting Jan. 12. The show is broadcast daily except Sundays. Neff-Rogow, Inc., placed the contract.

Form Radio Productions

ALBANY, Dec. 27.—Papers of incorporation have been issued here to Radio Productions, Inc. Capitalization consists of 200 shares of stock, no par value.

Radio Personals

BOB EICHBERG, trade news editor of *Radio-Craft* magazine and author of "Radio Stars of Today," has pledged five per cent of his gross income from future royalties of his book to a fund for indigent radio workers, and in a letter to the networks suggests that they devote 1/100 of one per cent of their net revenue for the same purpose. . . . Book by Max Wylie, CBS director of scripts and continuity, titled "Radio Writing," has been published by Farrar & Reinhart. . . . Gabriel Heatter will pinch hit for Kate Smith on her commentary broadcast Jan. 3 while Kate rests at Lake Placid. . . . Clark Dennis will make his first New York appearance beginning Thursday when Paul Whiteman opens at Loew's State. . . . Seth Parker is preparing a book on games. . . . Franchot Tone will appear in the Kate Smith show Jan. 12 in an original play written for him by Elaine Sterne Carrington. . . . Wingy Mannone has been signed under an exclusive management contract by Consolidated Radio Artists.

+

It's a girl at the Lou Costellos, of the Abbott & Costello comedy team on the Kate Smith show. . . . Jacques Renard, the bandleader, gets another dance period on Mutual, making four a week at present.

Spitalny in Cincinnati

CINCINNATI, Dec. 27.—Phil Spitalny and His All-Girl "Hour of Charm" Orchestra opens for a week on Dec. 30 at the independent Taft Auditorium, used sporadically for entertainment. A picture also will be shown. Spitalny is booked at the Palace, Akron, week of Jan. 6, to be followed by the Palace, Youngstown, both Monarch units.

Ethel Hutchens to KSFO

SAN FRANCISCO, Dec. 27.—Ethel Hutchens has resigned from the United States Department of Internal Revenue here, to join the production staff of KSFO, CBS station. Other KSFO appointments include Ethel Blumenthal to the merchandising department, and Betty Casey to the promotion staff.

Wolfe in Recording Firm

SAN FRANCISCO, Dec. 27.—John Wolfe, NBC producer, and David Kennedy, technical engineer for the network here, have established the Kennedy-Kut Recording Co. in studios formerly used by the San Francisco *Chronicle*, in its old affiliation with NBC. All types of radio recording work will be handled.

WILM Move Approved

WILMINGTON, Dec. 27.—WILM has been granted permission by the Federal Communications Commission to change the location of its transmitter from Carrcroft, Del., to Wilmington and to erect a vertical tower antenna system. An increase in the hours of operation was also granted.

F.C.C. Battle Seen Over Procedure on Program Disputes

WASHINGTON, Dec. 27.—Another bitter controversy in the Federal Communications Commission was foreshadowed here today in two divergent reports filed by a special committee on the handling of complaints against programs.

Involving the question of censorship, final action by the commission on this question is seen as "putting it on the spot" since, no matter what its attitude may be, it will be subject to criticism.

The question has been before a special program complaint committee since last March, when it was decided a definite policy should be worked out for the handling of cases like the Mae West "Garden of Eden" skit. More recently, the commission has had to deal with the broadcasts of "Beyond the Horizon" and Orson Welles' "War of the Worlds."

In the filing of majority and minority reports, the committee is seen as being unable to agree as to the best method of handling such matters. The majority opinion is said to recommend some changes in the procedure of investigating complaints, but leaving the commission free to penalize stations which have broadcast improper programs. The minority, however, is understood to desire to follow closely the non-censorship provisions of the Communications Act, leaving it largely to the broadcasting industry itself to regulate programs.

Sunray Sues on Film

Sunray Films, Inc., has filed suit in N. Y. Supreme Court against Select Attractions, Inc., Leo Malchen, doing business as French Film Exchange, and Charles Swarzza, doing business as Island Theatre Circuit. Plaintiff alleges that its film, "Little Flower of Jesus" was subjected to unfair competition because the defendants' picture, "The Glory of Faith," was being represented as the product of the plaintiffs.

Infringement Suit Filed

SOUTH BEND, Ind., Dec. 27.—Copyright infringement suit by Bernhard Huff and Forest O. Bobitt was filed in the Federal Court here against Bing Crosby, Paramount Publix Corp., W. C. Kolhurst, operator of the Fairy, Napanee, and Saintly-Joy Select. Plaintiffs claim infringement of "I've Got a Pocketful of Dreams" which is heard in the film "Sing You Sinners."

Mennen Renews "Vote"

Mennen Co. has renewed for a second 13 weeks the Sam Hayes' "People's Vote" program which is aired Mondays at 8 P.M. on CBS Pacific network. H. M. Kiesiwetter is the agency.

Smith Quits Esty Agency

Robert P. Smith has resigned his post with the William Esty agency where he has been writing the scripts for the Benny Goodman "Caravan."

Around the Country

San Francisco

"Who's In Town Tonight," w[illegible]y pickup from St. Francis Hotel conducted by Janet Baird and John Wolfe, has been dropped from KGO. . . . Earl Teasdale's hillbilly group has been dropped from the NBC staff for economy reasons. . . . KSFO broadcast a special program during Optimist Week, in cooperation with the Optimist Clubs of America. . . . Jennings Pierce, NBC's agriculture director here, shifted his broadcast to Santa Barbara for three days, to attend the meeting of state fruit growers and farmers. The program was relayed from KTMS, Santa Barbara, to coast stations of the Blue network. . . . "University Explorer" is airing "closeups" of various exhibit halls at the exposition, during his regular series of commentator shows on KGO and Pacific Blue network stations.

Cincinnati

Jack Wyatt and Evelyn Ley, both on WCPO staff, were married last week. . . . Eldon Park back to WLW-WSAI program department after 10 days' leave of absence. . . . Eli Chalfie, guitarist, who has joined WCPO, worked on WLW, WSAI, WCKY and WKRC, local stations, during the year. . . . For the fourth consecutive year, Phil Snyder and his orchestra, who are on "Avalon Time" and "Four Stars Tonight," both commercials fed to NBC, will play at the Netherland Plaza Hall of Mirrors New Year's Eve.

Suit Against Lord Dropped by Colgate

Suit brought by Colgate-Palmolive-Peet Co. aganst Phillips H. Lord and Phillips H. Lord, Inc., has been discontinued in the Federal Court. Dispute was over right to use of title "Gangbusters," a radio series, which Lord claimed after the plaintiff withdrew its sponsorship of his program.

Writes Films and Radio

KANSAS CITY, Dec. 27. — John Cameron Swayze, radio editor of the Kansas City *Journal*, now is handling films as well. Under the new ownership, the paper is publishing straight news accounts of new first run pictures at the three first run houses which advertise, Midland, Newman and Orpheum. The old type of critical reviews have been eliminated. Frequently the *Journal* carries a column of film chatter, most of it built up from a local angle.

"Revivals" Is Renewed

Gospel Broadcasting Association, broadcasting "Old Fashioned Revivals" over the Mutual network, Sundays from 9 to 10 P. M., has renewed the program for an additional 25 weeks, effective Jan. 1. The program is carried over an 86-station hookup, originating in California. R. H. Alber & Co., is the agency.

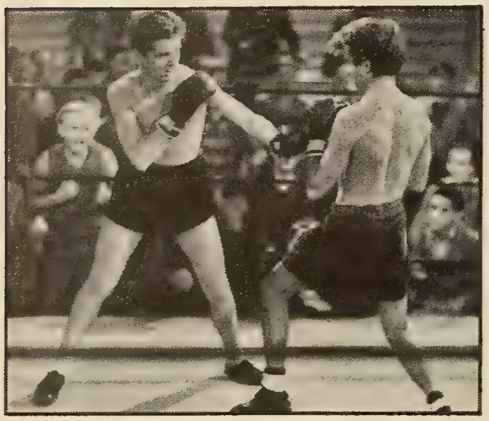
Three Outstanding
NEW FILMS

EASTMAN announces three important new negative films for the professional motion picture field.... *Plus-X:* fast, fine-grained. Unsurpassed for general studio work.... *Super-XX:* super-speed, surprisingly small grain. For difficult newsreel shots, or for use wherever exposure is a problem.... *Background-X:* ultra-fine grain, ample speed. For backgrounds. Also excellent for all-round exterior work.... These films not only make dramatic advances along their particular lines, but offer the high reliability and photographic quality typical of Eastman sensitized materials. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, Fort Lee, Chicago, Hollywood.)

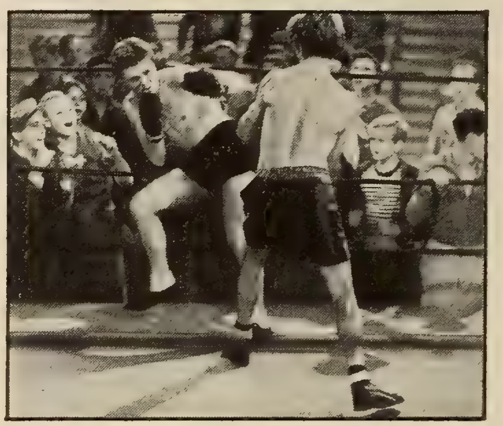
EASTMAN *Plus-X*...
Super-XX*... *Background-X

FIGHT PICTURES!

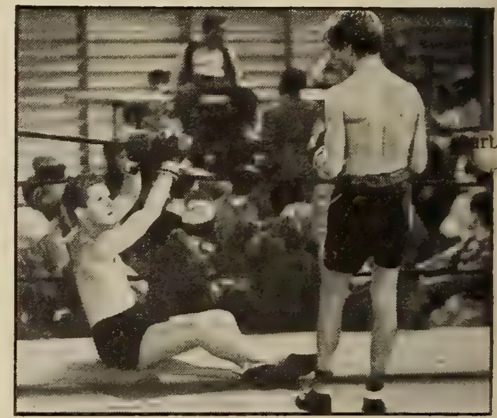
–From the season's drama smash of youth!



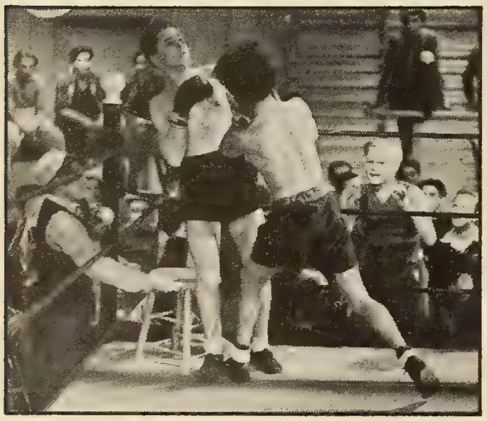
1. They square off. Cooper is new to this gang of kids. Somebody kidded him . . . he was tired, hungry, so he snapped back. Now he's got a fight on his hands.



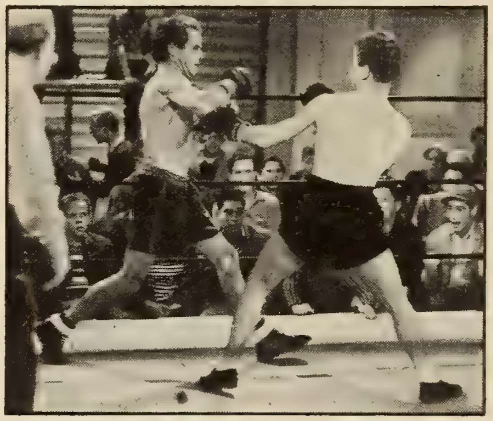
2. A left cross gets Cooper before he knows what happened. His opponent drives in hard figuring on an easy take. The kid in front of him seems daffy, no fight to him at all!



3. He's down! That left and then a hard right did the job. Cooper seems dazed, unaware that he's in a fight with a boy out to do damage—not to win a decision!



4. The round's over but the bell means nothing to Cooper's opponent. He drives hard and the yell of the mob covers up the sound of the gong, the weak protests of the few that want fair play!



5. But the fight isn't over yet, Cooper comes back and there is determination to win. The other fellow realizes that his set-up has become a problem. He steps up his own pace . . . the fight's just begun!

He walked out on her ideas . . . but not on her!

THE TUMULT OF A MOB GONE WILD . . . ROARING SCENES YOU'LL NEVER FORGET!

JACKIE COOPER

in A UNIVERSAL PICTURE

NEWSBOYS' HOME

with

EDMUND LOWE

Wendy BARRIE · Edward NORRIS

Samuel S. HINDS · Elisha COOK, Jr.

and

THE LITTLE TOUGH GUYS

Associate Producer KEN GOLDSMITH

Screenplay by GORDON KAHN

Original story by Gordon Kahn and Charles Grayson

Directed by HAROLD YOUNG

PRINTS NOW AVAILABLE!

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 44. NO. 126 NEW YORK, THURSDAY, DECEMBER 29, 1938 TEN CENTS

Industry Will Help Finance Film Library

Leaders to Foster Project at Modern Museum

Not only will filmdom take an active part in fostering the work and purpose of the Film Library of the Museum of Modern Art, but it will contribute financially toward the maintenance of the project. This was determined recently by leaders of the trade at a meeting.

There will be a specific annual contribution made to the Film Library, additional to contributions of films.

Division of Museums

The Film Library is a separate corporation, but a division of The Museum of Modern Art. It was founded in May 1935 through a grant of $120,000 from the Rockefeller Foundation. This grant has not been exhausted yet, and the Library exists on these funds. In addition there are occasionally small contributions from the trustees, and revenue derived from rentals of films. It is a non-profit institution, but hopes some day to be self-supporting on the basis of rental revenue. Although commerical producers frequently contribute films, the films are never rented to commercial companies.

The Library is "an educational in-

(*Continued on page* 4)

Silverstone Host to Milton Bren Today

Maurice Silverstone, operating head of United Artists, is giving a luncheon in honor of Milton Bren, today, in the Rainbow Room, Rockefeller Center. Bren is producer of "Topper Takes a Trip," new Hal Roach film which bows in at the Music Hall today.

There will be a cocktail party in honor of Bren, at the Music Hall studio, in the afternoon, given by W. G. Van Schmus, managing director of the theatre.

Hicks, of Paramount, Will Sail Next Week

John Hicks, vice - president in charge of foreign activities for Paramount, sails for London on Wednesday. While in England, Hicks will get Dave Rose set in the latter's new duties as managing director in England for Paramount. Hicks probably will be away about six weeks, two of which he probably will spend on the continent.

Paramount Patrons Vote Goodman Best

Paramount Theatre patrons have voted Benny Goodman and his orchestra as the best in bands at the house for the second successive year. Following him were Tommy Dorsey, Sammy Kaye, Guy Lombardo and Kay Kyser. Robert M. Weitman, managing director of the Paramount, will present a trophy to Goodman Jan. 3.

Kent Host to Harley, Miggins at Lunch; Lauds Foreign Dept.

Sidney R. Kent, president of 20th Century-Fox, was host at a luncheon yesterday at the Union League Club honoring Francis L. Harley, managing director in the United Kingdom, and Ben Miggins, Continental manager, who are visiting here.

The luncheon also signalized the return of Walter J. Hutchinson, director of foreign distribution, from a five-month trip to South America, South Africa and Europe. Kent paid tribute to the work of Harley and Miggins and the progress shown by the foreign department.

The group of 22 at the luncheon comprised company officers and executives.

Hutchinson, Harley and Miggins will leave about Jan. 15 for a visit to the studio.

Studios Send Out Back Overtime Pay Under Wages Act

HOLLYWOOD, Dec. 28.—First payments for accumulated overtime under the retroactive features of the Wages and Hours Act are being made this week to white collar workers in the studios. The move places in effect the decision recently reached at a series of conferences of studio attorneys and managers over the applicability of the Federal law to studio employes.

The amount to be paid out is impossible to estimate because of the bargaining agreements with office employes' associations at various major studios, covering certain classes of workers but excluding others.

Payments being made this week will be for time and a half pay for hours worked in excess of 44 in any one week since Oct. 24.

Victor Clarke, assistant to Pat Casey, labor contact for the major studios, auditors and studio managers still are attempting to develop a system for workers whose union agreements provide for a longer work week than is called for in the Federal law.

RKO Plan Hearing Will Be Held Today

Hearing on the proposed plan of reorganization for RKO will be held before Federal Judge William Bondy this afternoon. An application by RCA for permission to file an $18,505 tax claim was referred to Judge Bondy for attention by Federal Judge Henry W. Goddard in the U. S. District Court yesterday.

Quebec Due to Ban Airshows Advertising Beer March 31

MONTREAL, Dec. 28.—Fears that Quebec will follow other provinces of Canada in barring beer advertising programs from the air are being expressed by industry officials here. General opinion has it that legislation or governmental pressure will permit no beer-selling shows after March 31. Originally it was expected the ban would come into effect by the first of the year but more recent developments point to an extension, possibly to allow present contracts to expire; during that time, however, no new contracts will be allowed to be issued for such programs.

Additional developments in radio on page 10.

Though Major Gladstone Murray, head of Canadian Broadcasting Corp., will not confirm this, little doubt of the impending fate of beer programs exists in the local advertising agencies. Several breweries are said to be preparing for the stroke, revamping program continuity to trade on the familiarity of the brewer's name without mentioning the product.

Quebec is the last stronghold of radio beer ads. Hard liquor publicity has been banned across the country, and one by one the other provinces have dropped beer selling shows. Prohibition of such airshows in Quebec

(*Continued on page* 10)

Films Will Be Used Chiefly In Television

Will Exceed Live Talent, Expert Predicts

Not only will films be used chiefly rather than live talent in television but sponsored telecasting will require thrice the cost of ordinary broadcasting, in the opinion of William H. Preiss, head of the International Television Corp. These opinions are contained in a letter which Preiss has addressed to Mayhew & Reily, downtown firm.

The ITC head indicates in his letter that radio is a most aggressive competitor of films, a condition likely to be corrected by the new art.

"On occasions," Preiss's letter states, "where some program of universal appeal is put on the air simultaneously over all the broadcasting stations, there exists a potential possibility of zero attendance at the motion picture theatres, for the duration of that ideal program."

Gives Nine Reasons

Preiss gives nine reasons for his belief that films rather than live talent will constitute the greater part of television programs. These are:

1—Duplicates with sound on film can be made cheaply.

2—Film duplicates will provide an inexpensive chain system, which will

(*Continued on page* 4)

Thalberg Suit Reply Filed at Wilmington

WILMINGTON, Dec. 28.—The estate of Irving Thalberg today filed answer in Chancery Court here to ligitation against them, Loew's and certain executives that excessive compensation is provided under Loew contracts to the detriment of stockholders. Complainants are Hana W. Goldstein, Edgar F. Stiner and Louis Susman.

It is maintained in the reply that none of the defendants nor Thalberg obtained any personal benefits or profits from the contracts except for services rendered to Loew's.

It is further contended in the reply that the Wilmington action is substantially the same as suit in New York courts and unless the proceedings are held in abeyance pending outcome of the New York trial the defendants will suffer unnecessary hardships and expense.

Former United States Senator Daniel G. Hastings represented the defendants.

Purely Personal

Patsy Kelly has returned to Hollywood after a vacation in New York. She will start work soon at the Hal Roach studios on a new picture.

•

Y. Frank Freeman was host at Paramount studio yesterday to the Georgia Tech football team and Coach Alexander.

•

Hugh Williams will leave for England to appear in a new play after he completes his role in "Wuthering Heights."

•

Alice Brady has arrived in New York from the coast for a vacation after completing a role in "It's Spring Again."

•

Howard Dietz has arrived on the coast to line up advertising plans and will return in about two weeks.

•

Robert T. Kane, head of 20th Century-Fox production in England, is en route to the coast.

•

Nicholas M. Schenck, president of M-G-M, will leave shortly for Miami Beach.

•

Mr. and Mrs. George J. Schaefer are spending the New Year's holiday in Florida.

•

Joseph Bernhard will remain in the Lenox Hill Hospital for another week.

•

Will H. Hays returned to New York yesterday from Indiana.

•

S. Edwin Graham is now with Meglin-Fanchon & Marco.

•

Al Krellberg is ill in Mount Sinai Hospital.

•

Louis Nizer is vacationing for a few days.

•

Steve Fitzgibbons is here from Europe.

•

J. S. MacLeod of M-G-M is traveling.

FLY THE

FASTEST ROUTE COAST-TO-COAST

● TWA has 3 fast coast-to-coast flights daily each way. "Sky Chief" leaves Los Angeles 4:45 p.m., puts you in New York next morning! Skysleepers—with separate lounge and sleeping compartments.

Transcontinental & Western Air, Inc.

TWA

In New York: Phone MU 6-1640
70 East 42nd Street
In Los Angeles: Phone MI 8881
540 West 6th Street
OR YOUR TRAVEL AGENT

THE ROUTE OVER THE Sunny Santa Fe Trail

Insiders' Outlook

By SAM SHAIN

JAMES ROOSEVELT has started on his business career in films, here, as an officer of the Samuel Goldwyn Company.

▼ ▼

You don't have to believe it but the alert Metro publicists claim that an oddity in show business occurred on Broadway, yesterday, when lines of patrons waiting for Metro shows at six theatres on the Main Stem, merged and formed the outline of *Felis Leo,* the company trade mark.

At the Music Hall, where "Christmas Carol" was the feature, waiting lines reached up to 50th St. to Rockefeller Plaza and from there across to 51st St. and back again to Sixth Ave. "Pygmalion" patrons at the Astor formed a queue to the corner of 45th St. and half way down the block to Eighth Ave. "Sweethearts" fans waited outside the Capitol on Broadway and around to 51st St., while at the State, "Out West with the Hardys" followers lined the block to the 46th St. corner. "The Citadel" at the Central and "Flirting with Fate" at the Mayfair caused traffic congestion in their immediate neighborhoods.

▼ ▼

Puzzle contests and chance games often attract lawsuits. One of the more interesting decisions in this connection which has been rendered was handed down recently by the N. Y. Appellate Division, in affirmation of a lower court decision by N. Y. Supreme Court Justice Kenneth O'Brien.

Elsie Ashwood brought suit against News Syndicate based on a crossword puzzle contest conducted by the N. Y. *Daily News.* She claimed that some of the words in the final solution were incorrect and offered to prove it by dictionaries.

Defense counsel pointed to the fact the rules provided that all decisions of the judges were "final." Supreme Court Justice Kenneth O'Brien dismissed the suit before hearing testimony and declared that the plaintiff had no cause of action.

"It doesn't make any difference," he ruled, "even if they make a mistake and even if the judges were wrong in the words that were used. They are the final judges and they had absolute discretion in a matter like this. Even if they made a mistake on it, and they were wrong, they have the judgment, they were the judges. As I say, you might go to the fight tonight and you might think that Louis won, and I might think Schmeling won, but you can't sue the judges at the fight. Unless you are prepared to prove malice or dishonesty, I will dismiss."

Plaintiff's attorney pressed the court for a further definition by asking, "Even though the correct answer is 'red,' if they say the correct answer is 'black?" Justice O'Brien responded, "Yes, that is the law."

▼ ▼

"March of Time" will produce a feature length film for release on RKO's program, next year. Subject matter is not yet determined.

▼ ▼

"Sweethearts," and three M-G-M shorts, "Sydney—Pride of Australia," "Miracle of Salt Lake" and "The Captain's Christmas," the last named a cartoon, were on the royal program yesterday at Sandringham for Their Majesties, the King and Queen of England.

▼ ▼

Kay Brooks, teacher in the seventh grade in the Brookford School, Hickory, N. C., has this to say about the Movie Quiz, in a letter to Motion Pictures' Greatest Year headquarters:

"I wish it were possible to tell you how valuable this contest has been to these children. They have not only seen the pictures checked, but have seen practically all the pictures in the booklet except the five or six that still remain to be shown. They study the advertisements carefully now before deciding which pictures they will see. Thanks for this worthwhile contest."

▼ ▼

Theatre crowds are so thick on Broadway that some of the customers complained they got pushed into the wrong theatres.

Kaltenborn Appears At Newsreel Tonight

H. V. Kaltenborn will make a personal appearance tonight at 6 o'clock at the Newsreel Theatre, Rockefeller Center, on the occasion of his debut as a newsreel commentator for Pathe. He will appear in connection with the showing of his first subject for Pathe.

Opens 3 In K.C. Area

Kansas City, Dec. 28.—A. M. Strafuss has taken over the Cozy at Ottawa, Kan., from Lee Sproule. John Travis has opened the Tile, 300-seat house, at Deepwater, Mo. Orville Conrad has opened the Ritz at Lincoln, Ark., and Lester McCormick the New Majestic at Green Forest, Ark.

Holidays Continue To Boom Business

Out of town visitors and vacationing school children continued to throng Broadway houses yesterday. Most managers along Broadway reported increased business over last year. Cold weather failed to discourage patrons who were required to wait outside the theatres after lobbies fil[illegible]

A police cordon was thrown aro[illegible] the east side of 50th St. shortly before noon to prevent disturbances in the waiting line at the Music Hall which again reached beyond Rockefeller Plaza. "A Christmas Carol" attracted an estimated $106,000 to the box-office for the week but was not held. "Topper Takes a Trip" goes in today. "Sweethearts" proved a strong draw at the Capitol where it grossed as estimated $48,000. It continues for a second week. "Heart of the North" did an estimated $8,000 at the Rialto for the week.

Another first run house for French films opens today when Cinema 49, formerly the 49th St., starts with "La Vierge Folle." "Grand Illusion" went into its 16th week at the Filmarte.

Plan Being Mapped To Halt Giveaways

Method of eliminating cash giveaways in the New York metropolitan area and the effective date are to be decided by the exhibitor committee considering the abandonment of such box-office stimulants.

The committee hopes to adopt a definite plan in the near future. Members of the committee met yesterday at the Astor. Additional members recently named by Harry Brandt said they agreed with the proposal. There were no dissenting opinions.

The next meeting of the committee will be Jan. 11. Meantime the members will discuss the matter informally among themselves.

Associates Meet Jan. 5

Next meeting of the Motion Picture Associates will be held Jan. 5 in the Hotel Lincoln. Nominations of officers will take place. Elections follow on Jan. 12.

MOTION PICTURE DAILY

(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: Motion Picture Herald, Better Theatres, Teatro al Dia, International Motion Picture Almanac and Fame.

BUREAUS:—*Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

GRAB THE PHONE!

It happened with 'Angels'. It happened again with 'Dawn Patrol'. Now it's happened for a third time—*a screening-room audience brought to its feet as one man, applauding!* Booker, reach for your date book! Grab that phone and make way for

THEY MADE ME A CRIMINAL

First picture since his electrifying role in "Four Daughters" for **JOHN GARFIELD.**

Plus those six Angels with Dirty Faces, **THE 'DEAD END' KIDS.**

Also Claude Rains, Ann Sheridan, May Robson, Gloria Dickson

WARNER BROS., *Producers*

Industry Will Help Finance Film Library

(*Continued from page* 1)

stitution which exists for the purpose of collecting and preserving representative motion pictures of all types, as well as of related materials, with the object of making them available for study.

It is very selective in films collected, and collects only those which contain some advance or significant item in the motion picture field. At present, there are between 700-800 films, with a total footage of approximately 250,000 feet. It is affiliated as one of the four member countries with the International Federation of Film Archives. Other members are the official film libraries of England, France and Germany.

Last season, the Library circulated films to 175 U. S. institutions. They have been used by colleges and local film societies. Six series of films are available: Short survey of films in America, 1895-1930; some memorable American films, 1896-1935; films in Germany and France; Swedish and post-war American films; work of D. W. Griffith; and non-fiction films. In addition, there are Great Actresses of the Past and A Short History of Animation. Books on related subjects are available at the Library.

Officers are: John Hay Whitney, president; John E. Abbott, vice-president and director; Edward M. M. Warburg, treasurer, Iris Barry, curator. Trustee committee is John Hay Whitney, Ch., A. Conger Goodyear, William S. Paley, Edward M. M. Warburg. Advisory committee is Will H. Hays, Ch., Jules E. Brulatour, Stanton Griffis, Sidney R. Kent, Dr. Erwin Panofsky, J. Robert Rubin, Dr. David H. Stevens.

Fine Arts to Start 5 Films Next Month

Fine Arts, Grand National's production affiliate, plans to put three films in work early in January and two others by the end of the month, according to information received at the home office.

The five completed stories are "Curio Cipher," "Full Speed Ahead," "Never Mind the Guard," "Derelict Street" and "At Your Age."

Al Christie, educational's shorts producer, has set up headquarters at the Grand National lot to supervise shorts and produce several features. Dalton Trumbo and Fred Jackson, writers identified with major lots, have been signed by G. N.

T. R. Williams, G. N. treasurer, is en route to the coast to set up budgets and confer with Jack H. Skirball, production head.

Retitled "Boy Trouble"

HOLLYWOOD, Dec. 28.—Title of Paramount's Charlie Ruggles—Mary Boland picture tentatively called "Two Weeks with Pay," has been changed to "Boy Trouble" for release.

Films Will Be Used Most in Television

(*Continued from page* 1)

save the extremely high charges now paid to the telephone company.

3—The program can be edited.

4—Much of the technique and production apparatus of the motion picture production companies can be used, thus cutting program costs.

5—Long letter perfect productions requiring enormous rehearsal time and expense can be eliminated.

6—The talent need not be forced to rigid schedule.

7—The production can be made at the most suitable or convenient location.

8—The subject matter of programs can be extended to include educational subjects such as travelogues, science shots, musical technique and the like.

9—Program libraries can be created. A good business can be established in renting features such as classical plays and other timeless items to the various broadcasting stations.

Collins Case Counsel Is Denied $5,000 Fee

Federal Judge Alfred C. Coxe yesterday denied the application of J. Robert Rubin for a $5,000 attorney's fee to be assessed against Dolores Lacy Collins, as administratrix of the estate of Jimmy Collins. The decision, however, allowed a renewal of the application on the completion of the case.

Rubin sought the fee under the copyright law on the ground that a cause of action for copyright infringement against his clients, M-G-M Pictures Corp., M-G-M Distributing Corp., Loew's, Inc. and Culver Export Co., in the reference to the motion picture, "Test Pilot," had been dismissed by the court. Action is still pending on a charge of unfair competition.

Returns Are Filed in Greatest Year Suit

John J. Kelly, U. S. Marshal for the southern district of N. Y., today filed returns in the U. S. District Court showing service of the complaint on all defendants except M-G-M Pictures Corp. in the suit brought by Milton Spitz against Motion Pictures' Greatest Year, Inc., the eight majors, Monogram Pictures Corp., Bobbydick, Inc., and Moredall Realty Corp. for alleged infringement of his copyrighted film game, "U-Spot-It."

Marshal Kelly explained his failure to serve M-G-M by stating that he could find no offices of the company in this district. At the same time Monogram filed its answer to the suit which consisted of a blanket denial of the charges.

Fabian Shifts Managers

ALBANY, Dec. 28.—Two personnel shifts have been made by Louis R. Golding, Fabian district manager. Bob Fox, assistant manager of the Plaza, Schenectady, will succeed John Pickett at Proctor's, Troy, as assistant to Harry Black, while Louis Rapp will become assistant manager at the Plaza, Schenectady.

Expect New Pathe Plan to Be Ready About January 15

New plan for liquidation of Pathe Film Corp. is expected by company officials to be completed shortly after Jan. 15.

It is understood the proposal will represent a substantial change from the original plan, which was rejected at a special meeting of the stockholders Dec. 13. The new proposal will be designed to accomplish the major part of the liquidation plan, including the transfer of Pathe's laboratory functions to a new company.

Several proposals are under consideration but none has been presented to the board of directors as yet.

Derr Is Preparing 4 Monogram Films

E. B. Derr is ready with four additional stories for production for Monogram, which will make his program for that company total eight films. Frank Melford is associate producer for Derr.

The four new yarns are "Star Reporter," from John T. Neville's screenplay, presently scheduled to go into production Jan. 3; "Undercover Agent," headed for the cameras Jan. 28, with Martin Mooney, the writer; "The Girl from Rio," scheduled to be lensed Feb. 15, with screenplay by Tay Waters, and "Prison Born," which may start in March, with David Freeman on the story.

Bona Nova in Mexico

Fortunio Bona Nova is in Mexico City lining up talent for the first of two Spanish language films he is to make for United Artists. The pictures will be made in Hollywood, to be released in the Latin American market in the season starting next spring. Bona Nova is well known as an actor and singer. He appeared in "Tropic Holiday."

AFA in Roxy Parley

Meeting was held yesterday between Harry Calkins, eastern organizer of the American Federation of Actors, and Irving Lesser and Jack Partington, of the Roxy, to consider the demands of the A.F.A. for a contract. Discussion centered yesterday around payment for rehearsal time. Similar negotiations are now being conducted with other Broadway houses which use stage shows.

Williston Plans House

INDIANAPOLIS, Dec. 28. — Dudley Williston, operator of the Walker, de luxe Negro neighborhood house, plans to open the Park shortly, a new theatre in another colored section of the city.

Takes Iowa Theatre

GLADBROOK, Ia., Dec. 28.—Robert Malek, Jr., has bought the Uptown here from Gene McLaughlin, who has bought the Dreamland in Bancroft, Ia., from P. A. Lonergan. The house will be remodeled.

'Patrol' Takes $34,700 in 2 L.A. Theatres

LOS ANGELES, Dec. 28.—"The Dawn Patrol" and "Nancy Drew, Detective," at the Warner Hollywood [illegible] Warner Downtown, was the outstanding bill of the week, taking $16,200 at the Hollywood and $18,500 at the Downtown, for a total of $34,700.

The combination of "Girls' School" and "Blondie" at the Hillstreet was strong at $8,000 and held up well at the Pantages with $7,200. "Out West with the Hardys" and "A Christmas Carol" took $12,345 at the Chinese and $14,884 at Loew's State.

Estimated takings for the week ending Dec. 28:

"Out West With the Hardys" (M-G-M)
"A Christmas Carol" (M-G-M)

CHINESE—(2,500) (30c-75c) 7 days. Gross: $12,345. (Average, $12,500)

"Citadel" (M-G-M)

4 STAR—(900) (40c-55c) 4 days. 6th week. Gross: $1,465. (Average, $3,250)

"Blondie" (Col.)
"Girls' School" (Col.)

HILLSTREET—(2,700) (30c-65c) 7 days. Gross: $8,000. (Average, $6,500)

"Out West With the Hardys" (M-G-M)
"A Christmas Carol" (M-G-M)

LOEW'S STATE—(2,500) (30c-75c) 7 days. Gross: $14,884. (Average, $14,000)

"Blondie" (Col.)
"Girls' School" (Col.)

PANTAGES—(3,000) (30c-65c) 7 days. Gross: $7,200. (Average, $7,000)

"Tom Sawyer, Detective" (Para.)

PARAMOUNT—(3,595) (30c-65c) 7 days. Stage: Al Pearce, F. & M. revue, Rube Wolf and his orchestra. Gross: $14,000. (Average, $18,000)

"The Dawn Patrol" (W. B.)
"Nancy Drew, Detective" (W. B.)

WARNER BROS. (HOLLYWOOD)—(3,000) (30c-65c) 7 days. 2nd week. Gross: $16,200. (Average, $14,000)

"The Dawn Patrol" (W. B.)
"Nancy Drew, Detective" (W. B.)

WARNER BROS. (DOWNTOWN)—(3,400) (30c-65c) 7 days. 2nd week. Gross: $18,500. (Average, $12,000)

Consolidated Film Files Suit on Note

Consolidated Film Industries, Inc. yesterday filed suit in the N. Y. Supreme Court for $18,612 with six per cent interest from 1927 against Arthur Rawlins and Carlyle Blackwell, doing business as Carlyle Blackwell Productions.

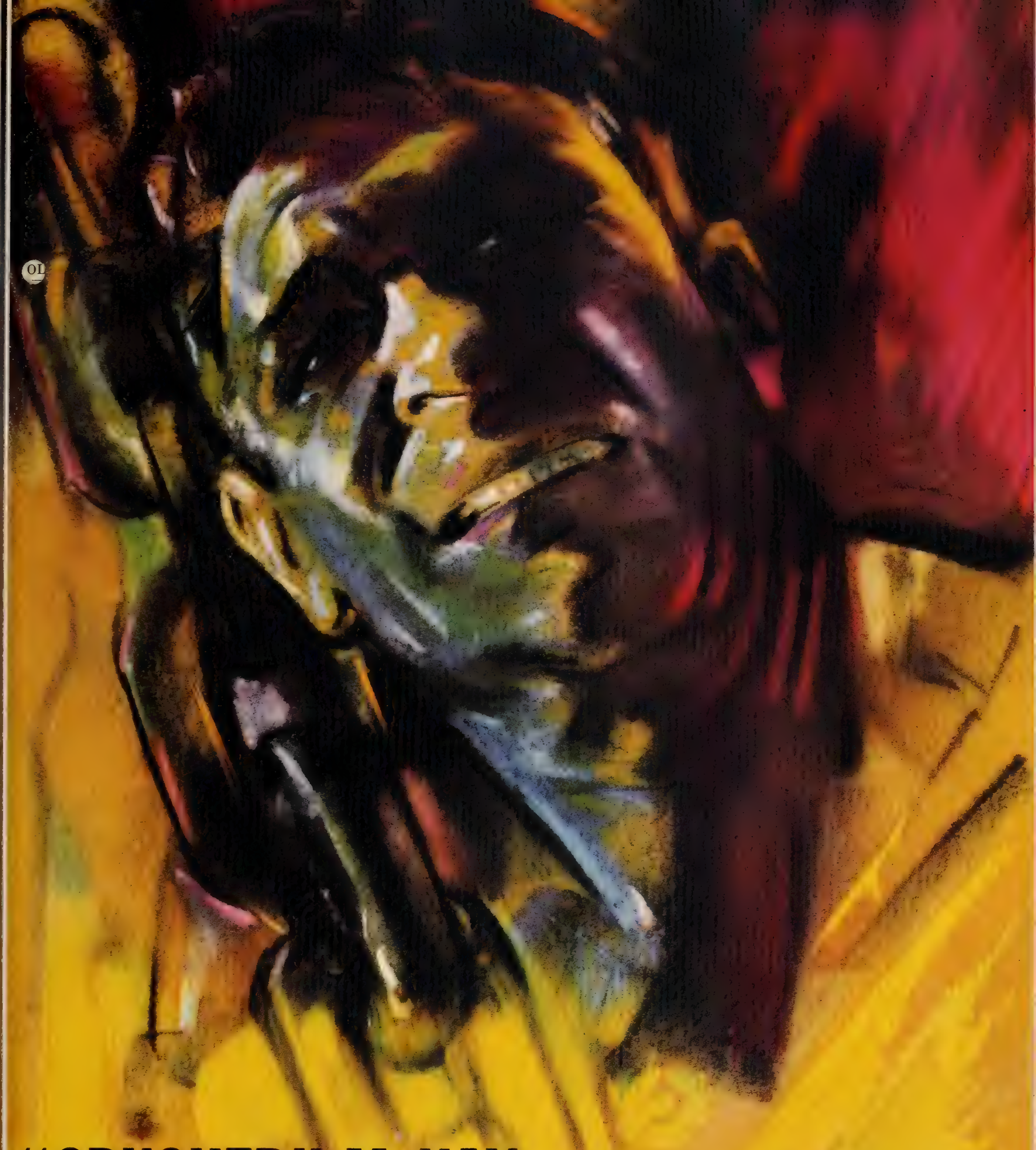
Suit is based on the balance of principal and interest allegedly due on a promissory note for $30,000 payable in nine months, and according to the complaint, given by an agent of the defendants to Commercial Traders Cinema Corp. on March 13, 1924 and later endorsed to the plaintiff.

Carlyle Blackwell filed an answer denying the allegations and asserting he is not connected with Rawlins.

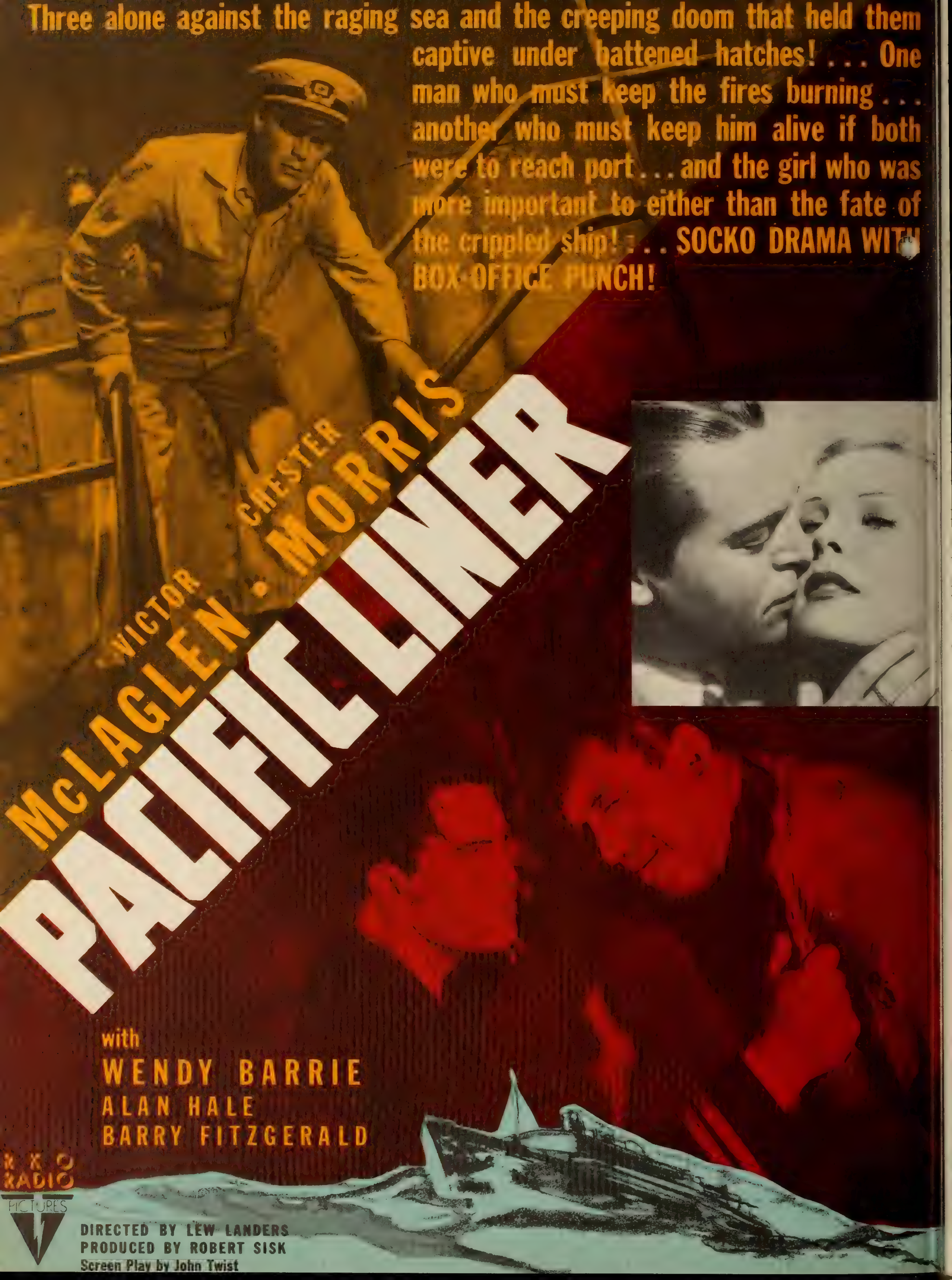
Jackter Named Head Of Columbia Drive

Rube Jackter, Columbia assistant sales manager, has been designated as chairman of the company's "Personal Achievement Campaign," which starts Jan. 9 for 10 weeks.

Joseph A. McConville, foreign sales manager, has been appointed honorary chairman of the drive. The drive will stress individual results by salesmen and bookers. Jackter is lining up plans for the competition and the awards.



"CRUSHER" McKAY . . . LAUGHING, BELLOWING, BULL-JAWED GIANT! . . . KING OF THE ROARING STOKEHOLD . . . MASTER OF MEN, MACHINES AND SHIPS . . . SLAVE TO A WOMAN'S CHARM.



Three alone against the raging sea and the creeping doom that held them captive under battened hatches! . . . One man who must keep the fires burning . . . another who must keep him alive if both were to reach port . . . and the girl who was more important to either than the fate of the crippled ship! . . . SOCKO DRAMA WITH BOX-OFFICE PUNCH!

VICTOR McLAGLEN • CHESTER MORRIS

PACIFIC LINER

with

WENDY BARRIE

ALAN HALE

BARRY FITZGERALD

DIRECTED BY LEW LANDERS

PRODUCED BY ROBERT SISK

Screen Play by John Twist

'Winds' Blows $9,000, Beats Denver's Cold

DENVER, Dec. 28.—"Trade Winds" defied a severe cold snap which hit Denver just as the pre-holiday slump showed signs of letting up. The film drew a strong $9,000 at the Denver.

Also strong was "A Christmas Carol" and "Flirting with Fate" at the Orpheum, with $10,000. "Angels with Dirty Faces" and "Strange Case of Dr. Meade" took $2,000 at the Rialto.

Estimated takings for the week ending Dec. 28:

"Submarine Patrol" (20th-Fox)
ALADDIN—(1,400) (25c-40c) 7 days. Gross: $3,000. (Average, $3,500)

"Dramatic School" (M-G-M)
"Law West of Tombstone" (RKO)
BROADWAY—(1,100) (25c-40c) 7 days. Gross: $2,000. (Average, $2,500)

"The Frontiersman" (Para)
"Little Orphan Annie" (Para)
DENHAM—(1,750) (25c-35c-40c) 4 days. Gross: $1,500. (Average for week, $5,500)

"Trade Winds" (U.A.)
DENVER—(2,525) (25c-35c-50c) 7 days. Gross: $9,000. (Average, $8,500)

"Christmas Carol" (M-G-M)
"Flirting With Fate" (M-G-M)
ORPHEUM—(2,600) (25c-35c-40c) 7 days. Gross: $10,000. (Average, $7,500)

"Hard to Get" (W.B.)
"The Storm" (Univ.)
PARAMOUNT—(2,200) (25c-40c) 7 days. Gross: $2,000. (Average, $3,500)

"Angels With Dirty Faces" (F.N.)
"Strange Case of Dr. Meade" (Col.)
RIALTO—(878) (25c-40c) 7 days. Gross: $2,000. (Average, $1,750)

'Angels' Grosses $4,300; Twin City Theatres in Slump

MINNEAPOLIS, Dec. 28.—Best business here was done by "Angels With Dirty Faces," which took $4,300 at the Century. Business was off elsewhere.

In St. Paul, top grosser was "Just Around the Corner" at the Paramount, where the picture was good for $2,700.

Estimated takings for the week ending Dec. 22:

Minneapolis:

"Dracula" (Univ.)
"Frankenstein" (Univ.)
"Road Demon" (20th-Fox)
"Orphan Annie" (Para.)
ASTER—(900) (15c-25c). Gross: $1.300. (Average, $1,500)

"Angels with Dirty Faces" (F. N.)
CENTURY—(1,600) (25c-40c) 7 days. Gross: $4,300. (Average, $4,000)

"Spring Madness" (M-G-M)
GOPHER—(990) (25c) 7 days. Gross: $2,500. (Average, $3,000)

"Submarine Patrol" (20th-Fox)
ORPHEUM—(2,900) (25c-40c) 7 days. Gross: $3,800. (Average. $4,800)

"Just Around the Corner" (20th-Fox)
STATE—(2,300) (25c-40c) 7 days. Gross: $3,000. (Average, $4,400)

"Moonlight Sonata" (Malmar)
WORLD—(400) (25c-55c) 7 days, 4th week. Gross: $900. (Average, $1,600)

St. Paul:

"The Mad Miss Manton" (RKO)
ORPHEUM—(2,000) (25c-40c) 7 days. Gross: $2,300. (Average, $3,200)

"Just Around the Corner" (20th-Fox)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: $2,700. (Average, $4,400)

"Young Dr. Kildare" (M-G-M)
RIVIERA—(1,000) (25c) 7 days. Gross: $1,800. (Average, $2,400)

"Road Demon" (20th-Fox)
"Orphan Annie" (Para.)
TOWER—(1,000) (25c) 7 days. Gross: $1,600. (Average, $1,600)

"Scrooge" (Foreign)
WORLD—(400) (25c-35c) 7 days. Gross: $800. (Average, $700)

Hollywood Preview

"Topper Takes a Trip"

(Roach-United Artists)

HOLLYWOOD, Dec. 28.—A Hollywood preview audience, with booming laughter, unanimously indicated their belief that Hall Roach has repeated the success of the earlier "Topper." Previewed at the same theatre, and offering the same players in what amounts to an extension of the first picture, "Topper Takes a Trip" had the same audience in the same stitches most of the distance.

Roland Young, Billie Burke and Constance Bennett play the same characters as in "Topper" and play them better. Jack Jevne, Eddie Moran and Corey Ford supply better dialogue than the players had to work with in the first picture and Norman Z. McLeod's direction is surer, smoother and more evenly paced.

Cary Grant appears via Flashback and an earthbound dog, one Skippy, accompanies Miss Bennett on her repeated returns to the land of the living. The materializations and "dematerializations" used so effectively in "Topper" are used a good deal more generously this time. The story, from another novel by the late Thorne Smith, is about a divorce Mrs. Topper almost gets from Mr. Topper, the action having to do with Miss Bennett's earthly operations on the side of domestic appeasement, ultimately successful.

The narrative begins in New York and moves to Paris, ending there in a way that makes it quite convenient to continue the story gracefully if Roach elects to make it a series subject. Milton Bren produced the picture on the same lavish scale as "Topper" and Roy Seawright's photographic wizardry is of an even finer kind and effectiveness.

Running time, 78 minutes. "G."* ROSCOE WILLIAMS

"G" denotes general classification.

New York Review

"Mamele"

(Sphinx Film)

Molly Picon, the acknowledged darling of the Jewish stage and screen, here once again demonstrates her remarkable ability as a comedian and dramatic actress. The film is in Yiddish, and although there are plenty of English subtitle translations, it is still obviously a picture for the appropriate language market.

Produced in Warsaw by Green Film Co., the film was directed by Joseph Green and Konrad Tom, from a story by Meyer Schwartz and Tom. It tells of the young girl, who, keeping a death-bed promise to her mother, acts as mother to a bickering family, consisting of a lazy father, two sisters and three brothers, two young. Hers is a Cinderella existence, without the Fairy Godmother, straightening the love affairs of her pretty sister, keeping her brothers out of trouble, and worrying about all of them. Her reward is ingratitude.

Finally, she breaks away, falls in love with a young musician, then is about to sacrifice him for her sister, but at last the family realizes what she has done for them, and happiness results. The film revolves about Miss Picon, and her performance is outstanding.

Running time, 100 minutes. "G."* CHARLES S. AARONSON

"G" denotes general classification.

Columbus Theatres Set Operator Deal

COLUMBUS, O., Dec. 28.—Twenty-six neighborhood and suburban exhibitors have signed an agreement with Motion Picture Operators' Union, Local 386, placing 42 union operators in 49 houses, according to Robert Greer, union president.

Omaha Lists Best Films

OMAHA, Dec. 28.—Local exhibitors have been asked by the Omaha *World-Herald* to list their ten highest grossers for 1938 in order. Keith Wilson, film crtic, will publish the ten most popular pictures shown in Omaha from results compiled.

Ohio Passes "Millions"

COLUMBUS, Dec. 28.—The Ohio censor board has passed the film, "Millions of Us," held up since November, 1937. There were only a few minor deletions, the board reported. Action was brought in District Court here by Garrison Film Corp., distributors, to force acceptance or rejection before Jan. 7.

Kennedy at Golden Gate

SAN FRANCISCO, Dec. 28. — John Kennedy, formerly advertising salesman with the *Daily News* here, a Scripps-Howard paper, has succeeded the late Ken McGaffey as publicity and ad manager of the Golden Gate Theatre.

'Hardys' Dual Fair $14,000; Frisco Slumps

SAN FRANCISCO, Dec. 28. — "Out West with the Hardys," paired with "Young Dr. Kildare" at the Fox, grossed a fair $14,000 in a week of generally poor takes.

"You Can't Take It With You," in its fifth week at the Orpheum, drew down $9,000. "The Cowboy and the Lady" took a good $7,000 in its fifth and last week at the United Artists.

Estimated takings for the week ending Dec. 20-23:

"Annabel Takes a Tour" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days. Stage: Vaudeville. Gross: $13,000. (Average, $16,000)

"The Cowboy and the Lady (U.A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c-65c) 7 days, 5th week. Gross: $7,000. (Average, $7,000)

"Dramatic School" (M-G-M)
"Christmas Carol" (M-G-M)
PARAMOUNT — (2,740) (15c-35c-40c-55c-75c) 7 days. Gross: $10,500. (Average, $13,000)

"You Can't Take It With You" (Col.)
ORPHEUM — (2,440) (15c-35c-40c-55c) 7 days, 5th week. Gross: $9,000. (Average, $8,500)

"Out West with the Hardys" (M-G-M)
"Young Dr. Kildare" (M-G-M)
FOX—(5,000) (15c-35c-40c-55c-75c) 7 days. Gross: $14,000. (Average, $17,000)

"Angels With Dirty Faces" (W.B.)
"Listen Darling" (M-G-M)
ST. FRANCIS — (1,400) (15c-35c-40c-55c-75c) 7 days, 4th week. Gross: $5,100. (Average, $7.000)

"Heart of the North" (W.B.)
"Flirting with Fate" (M-G-M)
WARFIELD—(2,680) (15c-35c-40c-55c-75c) 7 days. Gross: $11,000. (Average, $13,000)

"Moonlight Sonata" (U.A.)
CLAY — (400) (15c-35c-40) 7 days, 8th week. Gross: $800. (Average, $1,300)

"An Leva de Gamla Gudar" (Scandinavian)
LARKIN — (390) (15c-35c-40c) 7 days. Gross: $950. (Average, $1,300)

'North' Is $6,300 As Buffalo Slips

BUFFALO, Dec. 28.—The pre-Xmas week here had its effect on grosses. The Century dual, "Heart of the North" and "Torchy Gets Her Man" breasted the ebb tide best with $6,300.

Buffalo managed to pull out a fair $9,300 with "Dramatic School."

Estimated takings for the week ending Dec. 24:

"Dramatic School" (M-G-M)
BUFFALO—(3,000) (30c-55c) 7 days. Gross: $9,300. (Average, $12,000)

"Ride a Crooked Mile" (Para.)
"Flirting with Fate" (M-G-M)
GREAT LAKES—(3,000) (30c-50c) 7 days. Gross: $4,500. (Average, $7,500)

"A Christmas Carol" (M-G-M)
"Peck's Bad Boy at the Circus" (RKO)
HIPPODROME—(2,500) (25c-40c) 7 days. Gross: $4,700. (Average, $6,800)

"Heart of the North" (W. B.)
"Torchy Gets Her Man" (W. B.)
CENTURY—(3,000) (25c) 7 days. Gross: $6,300. (Average, $6,000)

"Reformatory" (Col.)
"The Lady Objects" (Col.)
LAFAYETTE—(3,300) (25c) 3 days. Gross: $1,800. (Average, 7 days, $6,300)

Wilson Is Thomas Aide

Jerome Wilson has been named assistant to Harry H. Thomas in his distribution of Tri-National product in the east. Wilson will work with Merit Pictures Corp., the company name for the Thomas distribution in the metropolitan area.

F A

edited by Terry Ramsaye

Out Next Week

ONE DOLLAR THE COPY

M E

The AUDIT of PERSONALITIES

The fifth annual edition of the international reference authority on talent values will be off the press next week.

The box office champions of 1938 presented with complete analysis and personnel credits—the money making stars of the season evaluated and reported upon by the exhibitor showmen of the world.

The radio champions of 1938 as polled by MOTION PICTURE DAILY among the editors of the daily newspapers of America.

QUIGLEY PUBLICATIONS
ROCKEFELLER CENTER, NEW YORK

Press Radio's News Dropped By NBC, CBS

CBS and NBC are no longer carrying the Press Radio news bulletins and reports. As a consequence of the abrogation of the Press Radio service by its two principal mainstays, the Bureau may fade from the radio scene.

CBS and NBC meanwhile are filling in their news periods with news supplied by the United Press and by International News Service.

All questions put to responsible authorities at CBS and NBC by newspapermen were greeted with, "no comment." Most of the NBC and CBS officials were unavailable. James Barrett, head of the Press Radio Bureau, suggested that his attorneys, Jenkins and Rogers, be questioned. Gustavus Rogers, a member of the film, in reply to questions, stated "we have no statement to make. Any statement will have to come from either NBC or CBS." Asked for whom he was speaking, he replied, "for myself, for Jim Barrett and for Press Radio."

Formed in 1931

Press Radio was formed in 1931, as a non-profit organization, by the American Newspaper Publishers' Association, as an attempt to bring an end to chaotic news conditions in radio. NBC and CBS were the principal underwriters of the setup.

Prior to the formation of Press Radio, the publishers had clamped down on radio and refused to supply stations with news. As a consequence, many of the major stations set up their own news gathering organizations. Bitterness between radio and newspaper publishers increased, with publishers claiming that the stations were pirating news from the papers.

CBS Most Important

The most important of the radio newsgathering organizations was formed by CBS under the direction of Paul White. Columbia's bureau, known as CBS News Service, Inc., finally was operating so successfully that the A.N.P.A. decided to end the scramble for news by drawing up a pact with the networks. It resulted in the formation of Press Radio Bureau, with Associated Press, United Press and International News Service supplying news direct to the networks over their own news tickers. James Barrett was placed in charge of the bureau.

With the scrapping of CBS News Service, Inc., its editor, Herbert Moore, established his own organization for supplying news to radio, calling his company Trans Radio, which is still operating successfully.

It has never been indicated how much money it cost NBC and CBS to maintain the Press Radio Bureau, but it is generally placed at approximately $25,000 a year. In the meantime, a "flash" service at nominal cost was estalished for non-network stations, and local subscribers include WOR, WNEW, WMCA and WNYC.

Since establishment of Press Radio United Press and International News Service have entered into the radio business, apart from their tieups with Press Radio. They are selling news to stations throughout the country. Associated Press has held aloof, and has refused to follow U. P. and I. N. S.

Radio Personals

NETWORK announcer Alan Kent is engaged to Betty Van Auken. The date is in April. . . . Ben Bernie was feted at a birthway party yesterday. . . . Janet Gaynor and Bill Powell will co-star in a "Lux Radio Theatre" production of "Mayerling" Jan. 9 over CBS. . . . Guy Kibbee and C. Aubrey Smith are booked for a skit on the Vallee show of next Thursday. . . . William Gargan will be the guest of Jack Haley tomorrow night on the latter's show.

✦

Bill Stern, accompanied by Mrs. Stern and Richard May of NBC's engineering staff, left by American Airlines for the coast yesterday. Stern will report the annual New Year's Day East-West grid game . . . Barry Wood has been renewed for another year of singing on CBS by the network's Artists Bureau . . . NBC will pipe in Ray Noble's music from Earl Carroll's new Hollywood club . . . Frances Langford and Bing Crosby this week waxed a series of Victor Herbert numbers for Decca Records . . . George Jessell and Walter Pitkin will work with Eddie Cantor on the latter's broadcast Jan. 2.

Standard Brands Cancels Canadian Show in Ad Fight

MONTREAL, Dec. 28.—Friction with the Department of Pensions and National Health over advertising wording has caused Standard Brands to cancel the weekly half-hour "Spotlight Parade" program, effective Jan. 1.

The department argued that the phrase appearing in the commercial, "contains no alum" amounted to "scare advertising" in that alum is not harmful.

The J. Walter Thompson agency, handling the program, said lack of time prevented further negotiations with the department, so the program, which originates in Montreal and is fed to the Canadian Broadcasting Broadcasting Corp. network of stations, is to be withdrawn.

Mrs. Estes Censor Aide

KANSAS CITY, Dec. 28.—Mrs. William E. Estes of the films committee of the Parent-Teachers Association, has been named assistant city censor to succeed Mrs. Eleanore Walton, who now is city censor.

Circuit Promotes Rice

KANKAKEE, Ill., Dec. 28.—George C. Rice, former city manager of the Great States theatres in Kankakee, is now district manager of the Anderson circuit. His headquarters are at the State, Sandwich.

AFRA, Agencies Fail of Agreement

Meeting yesterday between the American Federation of Radio Artists and representatives of the American Association of Advertising Agencies to discuss the pact covering wages and working conditions of artists appearing in network, commercially sponsored programs, which was recently delivered to the 4-A's by A.F.R.A., resulted in a stalemate. As the result of the failure to agree on the pact, A.F.R.A.'s deadline, which expires this week, has been extended for another seven days. Present at the meeting were Eddie Cantor, Lawrence Tibbett, George Heller and Emily Holt, of the artists' union, and representatives from approximately 11 advertising agencies.

Meanwhlie, the A.F.R.A. national board will meet today to consider counter proposals which have been submitted by the 4-A's. Another meeting will be held with the 4-A's some time next week, the time still being indefinite.

To Discuss Pictures On WHN Program

Weekly round-table discussions of motion picture problems will be aired over WHN Thursdays from 5:30 to 5:45 P. M., beginning tonight. Participants will be members of the Metropolitan Motion Picture Council. Tonight's subject will be "Selection, Not Censorship."

Joining in the discussion will be Mrs. Grace Fisher Ramsey, chairman of the Motion Picture Council; Mrs. William Barclay Parsons, Jr., vice-chairman of the Schools Motion Picture Committee; Mrs. James V. Looram, chairman of the International Federation of Catholic Alumnae; Georgina Johnston, of the Committee on Drama of the Greater New York Federation of Churches; Barbara Ziegler of the New York Junior League, and Dr. Frederic M. Thrasher, technical director of the Metropolitan Motion Picture Council.

Monogram Changes Titles of Two Films

"Navy Secrets," featuring Fay Wray, Grant Withers and Craig Reynolds, is the new title of the Monogram production formerly known as "Navy Girl."

The title of Monogram's western, "Santa Fe Bound," starring Jack Randall, has been changed to "Driftin' Westward."

Bob Howard Renewed

J. B. Williams Co., sponsoring Bob Howard over WEAF, has renewed the colored swing singer for another 13-week period, beginning Jan. 19. At the conclusion of the extension, Howard will have appeared in the series for one full year. J. Walter Thompson is the agency.

Rosener Forms Prestige

SAN FRANCISCO, Dec. 28.—Herbert Rosener, operator of eight foreign language theatres throughout the country, has organized Prestige Pictures here to handle distribution of independently produced foreign product in this area. First release is "Moonlight Sonata."

Quebec Due to Ban Beer Advertising on Air After March 31

(*Continued from page 1*)

will take liquor advertising from Canadian radio completely.

For some time the Quebec Tem[illegible]ance League has been fighting [illegible]r such a ban and lately the Roman Catholic Church, represented by its Canadian head, Cardinal Rodrigue any blame of prohibition on advertisers who have abused their privilege.

Cardinal Villeneuve, however, has been in Ottawa recently reportedly interviewing Corporation officials with a view to bringing about prohibitive legislation. In event of delayed legislation the CBC could effectively halt beer programs with the jurisdiction they wield over all Canadian broadcasting. All continuity must be submitted to Ottawa for approval a week before being used and broadcasters here fear rejection of scripts could prove as effective a halt as Governmental rulings.

In Montreal such a ban will cancel the Labatt's weekly quarter-hour run by sportswriter Elmer W. Ferguson; "Tonight At Eight," the Dawes' Blackhorse five-nights-a-week program; Molson's week-through nightly newscast, all on provincial networks and two local French programs. In other parts of the province smaller airshows will be killed.

Pick Talent on CBS Screen Guild Opener

Talent for the inaugural Screen Actors Guild program, which bows in over CBS January 8, has been set, and the roster includes Joan Crawford, Jack Benny, Judy Garland, Reginald Gardner. Mitchell Leisen will direct the inaugural airing, and Morrie Ryskind is serving as consulting writer. Ralph Morhan will speak briefly during the program to explain the purpose of the series.

Radio Attractions Ad Post Goes to Carnow

Howard N. Carnow is head of the advertising and publicity department of Radio Attractions, Inc. He formerly was with Columbia Pictures Corp. Appointment of Carnow was made by Herbert R. Ebenstein, president.

Union Aids Talent

Mexico City, Dec. 28.—What is said to be the first time a film workers' organization has sought to develop picture player talent here is the campaign of the film studios employes' union of Mexico, inviting girls with screen aspirations to present themselves for tests. Only girls between 15 and 20 years old are wanted. Those passing the tests get the union's aid for jobs with producing companies.

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 44. NO. 127 NEW YORK, FRIDAY, DECEMBER 30, 1938 TEN CENTS

Radio Honors Again Won by Bergen's Pal

Editors Vote Him Best In Annual Poll

By JACK BANNER

Charlie McCarthy, Edgar Bergen's chief caviar-winner, again has been declared the "Radio Champion of Champions" by a majority of the 600 radio editors and columnists who were asked to nominate their favorite air performers in this, MOTION PICTURE DAILY's third annual popularity poll, conducted in behalf of *Fame*. The return of the fresh little splinter of wood to the thronedom of radio was not accomplished as easily as his victory of last year, but he did manage to stay a comfortable span ahead of Jack Benny, his closest competitor.

Additional developments in radio on pages 7 and 8.

Comparatively little change has taken place in the realm of radio since last year's competition, the poll reveals, for in practically all major instances the 1937 victors have been returned as the leaders of 1938. However, the year did produce two personalities whose marks may yet prove to be indelible. One, Orson Welles, is a comparative newcomer to the air· the other, H. V. Kaltenborn, is a veteran of the microphone who, most deservedly, has finally come into his own as radio's foremost newscaster and editorialist.

Mr. Welles and Mr. Kaltenborn are superb artists in their own particular fields, the one a leading figure in the theatre and the darling of the playgoers, the other a respected and honored member of the newspaper profession who turned his talents to radio. Yet, in the radio procession, they were but a couple of inconspicuous marchers until Chance, that unpredictable mistress of human destinies, centered the searchlight on them by leading Europe to the brink of war. With the precipitation of the German-Czech crisis, to every American within earshot of a loudspeaker was brought a continuous view of the shifting strategies of the European diplomats. CBS, following every broadcast from abroad, placed Mr. Kaltenborn on the air to interpret the news.

The war scare "made" Mr. Kaltenborn, and in an indirect fashion the same scare "made" Mr. Welles, for had listeners been made vulnerable to a case of jitters by what they had

(Continued on page 7)

"Vaudeville" Opens

"Vaudeville Marches On," a three-day variety show, will open at the Majestic tonight. Acts include Molly Picon, Trahan & Lynde, Eddie Garr, Waller & Johnstone, Laura Suarez, Bernice Stone, Mei Toy, White & Manning, Tilbert Bros., and Vera Nargo. Cinda Green will be mistress of ceremonies. Kurt Robitschek is the producer.

Film Stocks' Gain in 1938 $96,202,500

Motion picture company stocks listed on the New York Stock Exchange showed an increase in market value during 1938 of $96,202,500, from a total of $623,738,750 at the end of 1937 to $719,941,250 at the close of the current year. There was, at the same time, a decrease in the volume of trading.

These figures are indicative also of the general stock market trend for the year, during which there was a sharp advance in the last half of the year, while stock dealings dwindled to the smallest total in 14 years.

During March was recorded the lowest level in film stock prices of 1938, followed by a brisk increase after Congress adjourned in June.

(Continued on page 6)

B'way to Hail '39 Despite Cab Strike

Despite the threat of a general taxicab strike in the city Broadway houses, encouraged by grosses well ahead of last year's, went ahead with elaborate plans for New Year's Eve trade. All will remain open well into the morning hours and special stage shows will go on for the midnight celebrants.

Heading the list is the Paramount, which plans a complete stage and screen show to start at 3 A. M. At the Strand, a complete show will go on at 2:10 A. M., the State at 1:40

(Continued on page 5)

Happy New Year

***Motion Picture Daily* will not publish Monday, which is a legal holiday.**

COURT DECLARES RKO'S PLAN FAIR

Judge Bondy Indicates He Will Approve Plan With Modification

Federal Judge William O. Bondy at a hearing yesterday declared RKO's pending plan of reorganization to be "fair, feasible and equitable," and that he will approve the plan subject to certain modifications which he is going to suggest. Acceptance of the plan is dependent upon these modifications which Judge Bondy will present by memorandum and the hearing was adjourned until next Wednesday.

Approval of the plan would end RKO's bankruptcy proceedings which started in January, 1933, and will come on the eve of the sixth anniversary.

Hamilton C. Rickaby, of Simpson, Thacher & Bartlett, attorney for proponents, offered an amendment to eliminate the proposed agreement between RKO and Rockefeller Center for the operation of the Music Hall and Center theatres, and to reduce from 500,000 shares of common stock to 415,000 as the share of Rockefeller Center. On the basis of $10 a share book value, this would reduce the amount of settlement of the Rockefeller claim from $5,000,000 to $4,150,000.

US Companies Are Set to Quit Italy

American distributors completed arrangements yesterday for withdrawing from Italy at the close of business tomorrow, at which time, if nothing unforseen happens, the Government decree establishing E.N.I.C. as a film distributing monopoly is scheduled to become effective.

No modification or amendment of the decree has been hinted in Rome and, likewise, there has been no indication here that any of the distributors would continue in Italy beyond the effective date of the decree. Loew's, Paramount, 20th Century-Fox and Warners, which operate their own branches in Italy, will close their offices, while Columbia, RKO, United Artists and Universal will end film services to their former agents there.

The companies hold that the decree invalidates contracts.

Films Aim to Promote U.S. Schenck Says

Joseph M. Schenck in a broadcast last night pledged that the motion picture industry in 1939 will make the American public "more proud than ever of their nation, their history and the system of free government." The broadcast was aired over a coast-to-coast NBC Blue network hookup at 8:30 P. M., and featured leaders of the key industries of the nation in forecasts of the "Business Outlook for 1939." Schenck spoke from Palm Springs.

Because of the "far reaching" and "tremendous" part that films play in promoting the sale of goods in the United States and foreign nations, Schenck stated that the government should give the industry the utmost in encouragement and support. "The motion picture screen is no longer merely a medium for mass entertainment," he stated. "It is that first and foremost. But it has become also the most effective salesman of American products and the American way of life that the world has ever known."

The film industry has never permitted business recessions to retard it, and he pledged that this policy will

(Continued on page 5)

Lipstone Named to Morros' Para. Post

LOS ANGELES, Dec. 29.—Louis R. Lipstone, musical director and production head for Balaban and Katz Theatres today was named head of Paramount studio music department to succeed Boris Morros, resigned. He arrived today for conferences and returns to Chicago tomorrow.

20th-Fox Meeting In Chicago Closes

CHICAGO, Dec. 29.—Two day meeting of 15 20th Century-Fox branch managers and Canadian sales executives ended today. William Gehring, William Clark and James O'Loughlin were in charge. The meeting considered routine matters only.

Purely Personal

NATE J. BLUMBERG, Universal president, and W. A. SCULLY, general sales manager, will leave for the studio early in January for product conferences. SCULLY may go on to Honolulu for a vacation thereafter.

•

CHARLES and MRS. SKOURAS and their daughter are due today from the coast to spend New Year's with SPYROS SKOURAS and his family. They will sail next week for Greece.

•

BEN MIGGINS, 20th Century-Fox head in Continental Europe, and MRS. MIGGINS leave next week for Florida, then go to the coast.

•

HERMAN FINKELSTEIN, of counsel for Ascap, will go to Washington Tuesday to file Supreme Court appeal papers on the Florida anti-Ascap law.

•

JOSEPH M. WEBER, president of the American Federation of Musicians, returns to New York from the south on Tuesday.

•

DELIGHT EVANS is going to California , arriving in Hollywood on Tuesday. She will remain on the coast for about a week.

•

TEX RITTER, Monogram singing cowboy, will go on a personal appearance in the west and south next month.

•

MARC LACHMANN, 20th Century-Fox exploitation manager, is due Tuesday from the coast.

•

ED KUYKENDALL, M. P. T. O. A. president, is expected in New York from the coast late next week.

London Details Set On Refugee Benefit

LONDON, Dec. 29.—Details have been completed for the stage and screen benefiat shows for the Baldwin Refugee Fund on Jan. 14. C.E.A., K.R.S., Actors' Equity, Theatrical Managers, Dramatists' League, Variety Artists' Federation, Musician's union and all other management and labor organizations have pledged 10 per cent of all earnings on that date.

Appeals will be made by stage stars at all performances. Adolph Zukor has arranged that the proceeds of the opening of "Stolen Life," with Elisabeth Bergner, at the Plaza on Jan. 18, will be devoted to the fund.

Season's Greetings

CHARLES H. KENNEY
STUDIOS, INC.

Draperies

112 WEST 44TH STREET
NEW YORK CITY

Insiders' Outlook

By SAM SHAIN

MOVIE Quiz contest, "piece de resistance" of the industry's $1,000,000 good will and promotional campaign, comes to a close at midnight tomorrow. By that time all answers of contestants must be in the mails to qualify for a chance at the $250,000 in cash prizes.

▼ ▼

Any exhibitor with sense knows business is going to be very bad, anyway, the week before Christmas. But Frank Cassil of the Rialto, St. Joseph, Mo., decided this year to be different. Having no outstanding pictures, he changed bills every day instead of the normal five changes a week. He bought extra advertising, spread around more heralds, and in general let people know he still had entertainment to sell.

Result: he broke the house record for the week by 20 per cent, and set up new individual daily scores on both Friday and Saturday, the latter Xmas Eve. He stood them up every night at regular admission prices.

When he checked receipts for the week he thought he'd gotten into the wrong theatre!

▼ ▼

Russell Birdwell, publicity director for Selznick International, will resign soon after the first of the year to start his own publicity and advertising firm. Among the first of his clients will be Selznick International.

John C. Flinn of *Variety* has been mentioned as his successor.

▼ ▼

To Howard Dietz, who is head of M-G-M's advertising and publicity department, the year 1938 has been one of the greatest years in the history of M-G-M.

In Dietz's own words, "Metro has contributed an unprecedented succession of meritorious pictures," and he lists some, as "Marie Antoinette," "The Great Waltz," "Boys Town," "A Christmas Carol," "A Yank at Oxford," "The Citadel," "Love Finds Andy Hardy" and "Sweethearts."

Metro also brought forward a number of new stars, which Dietz reminds us about, such as Mickey Rooney, Hedy Lamarr and Judy Garland.

On the technical side, Metro takes a bow on Douglas Shearer's "anti-flutter" sound projection device and the development of color harmony principles and pastel shades, such as used in cartoons, and as employed in "Sweethearts," and now in "The Wizard of Oz."

Silent arc lamps made possible interior color photography, as will be seen in the last-named picture. Then there is the sepia platinum toning process developed by John Nicholaus; and the new silent wind machines.

Jack Dawn introduced a new principle by which a stout actor can be photographed to appear slender, and this ability to make the apparent figure of a person appear different from what it actually is, is an important invention. Reginald Owen as Scrooge in "A Christmas Carol" is an example of this effect.

▼ ▼

In Canada, employes of Famous Players Canadian Corp., received a week's pay as a year-end bonus.

▼ ▼

Indications are that there will be no decision in the Loew minority stockholders' suit before February. Final submission of briefs is set for today.

▼ ▼

Not only did President Franklin D. Roosevelt choose "Pygmalion," for New Year's screening at the White House, but Governor Herbert Lehman has also selected this picture for screening on the holiday at the Governor's Mansion, in Albany.

▼ ▼

There are so many parties for Hollywood personalities, these days, that the sponsors are experiencing difficulty in assembling enough guests from one party to another, since the guests are nearly always the same persons at the greater majority of these affairs. At one recently, one of these hosts felt a shiver or two of apprehension when he discovered that there was almost one press agent for each of his guests, in attendance, and the p.a.'s were all of his own staff.

Schenck and Rodgers To Studio for Talks

New season production plans will be discussed at the studio by Nicholas M. Schenck, president of M-G-M, and William F. Rodgers, general sales manager, who may leave today for the coast. They will be gone at least a week.

Two Firms Chartered

ALBANY, Dec. 29.—Licensed to do business in New York State have been: Ever-Ready Chair and Table Renting Corp., theatre seats, headed by Harry M., David and Martin Schaps, New York City, and Picture Publications, Inc., headed by Max Ruskin and David P. Alterbaum, also of New York.

Bren Honored at Lunch and Party

Maurice Silverstone, operating head of United Artists, tendered a luncheon yesterday in the Rainbow Room, Rockefeller Center, in honor of Milton Bren. Producer of the new Hal Roach film, "Topper Takes a Trip," Bren came here from the coast for the opening of the film at the Music Hall yesterday.

Guests at the luncheon were: its George Skouras, Charles guoskowitz, John O'Connor, Clayton Bond, John Nolan, Fred Myers, Leonard Schlessinger, Leon Netter, Jean Picker, Jules Brulatour, Spyros Skouras, John Powers, Chick Lewis, Herb Miller, Red Kann, Oscar Doob, Richardson Wood, Ray Bowen, Claier Maxwell, Jack Harrower, Chester Bahn, Jack Alicoate, Sam Shain, Myer Beck, Terry Ramsaye, Martin Quigley, Noel Busch, Jack Schlaifer, Harry Gold, Paul Lazarus, Harry Buckley, Monroe Greenthal, Ben Washer, Lynn Farnol, W. G. Van Schmus, Thomas Walker, Frank N. Seltzer, Howard Mapes, Bert M. Stearn.

W. G. Van Schmus, managing director of the Music Hall, gave a cocktail party in honor of Bren later in the afternoon. Among the guests were William Boehnel, Eileen Creelman, J. T. Milstein, Gus Eyssell, Mike Vogel, William Ornstein, Abraham Bernstein, Marian Rogers, Cal Swanson and Emanuel Silverstone.

Mr. and Mrs. Bren plan to stay in New York about two weeks and may cruise to Nassau.

Depositions in Para., B & K Suit on Jan. 5

CHICAGO, Dec. 29.—Depositions of 24 of the 101 independent exhibitor plaintiffs in the contempt suit against B. & K. and Paramount will be taken before Master-in-Chancery Charles McDonald starting Jan. 5. Examination of plaintiffs will center on assets, liabilities, profits, losses, corporate personnel and license agreements with independent distributors.

Examination of the remaining 77 plaintiffs is expected to follow.

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco. New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.: Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London: Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

This Man Knows the Truth about

DEVIL'S ISLAND

Warners Show What This Man Knows!

MOTION PICTURE DAILY'S HANDY BOOKING CHART

Dates Are Based Upon National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After the Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS	G. B.
Nov. 25	Blondie (G) (C) *Penny Singleton* *Arthur Lake*	Out West with the Hardys (G) (D) *Lewis Stone* *Mickey Rooney*	Gang Bullets *Anne Nagel* (G) (D)	Say It in French (813) Arrest Bulldog Drummond	Santa Fe Stampede (G) (O) Orphans of the Street	Peck's Bad Boy at the Circus *Tom Kelly* (G) (C)	Submarine Patrol (G) (D) *Richard Green* *Nancy Kelly* *Preston Foster* (909)		Little Tough Guys in Society (G) (C) *Boland* *Auer* *Horton*	Angels with Dirty Faces (G) (D) *Cagney* *O'Brien* *"Dead End" Kids*	The Frog *Noah Beery* *Gordon Harker* (Nov. 15)
Dec. 2	Terror of Tiny Town *Jed Buell's Midgets*	Flirting with Fate (G) (C) *Joe E. Brown* *Leo Carrillo*		Little Orphan Annie (G) (C) *Ann Gillis* *Robert Kent* (3814)	Come On, Rangers (G) (O) *Roy Rogers* *Mary Hart*		Road Demon (G) (D) *Henry Arthur* *Joan Valerie* *Henry Armetta* (918)		Strange Faces (G) (D) *Dorothea Kent* *Frank Jenks* *Andy Devine*	Comet Over Broadway (G) (D) *Kay Francis* *Ian Hunter*	Climbing High (M) *Jessie Matthews* *Michael Redgrave* (Dec. 1)
Dec. 9	Rio Grande (O) *Charles Starrett* *Ann Doran*	Dramatic School (A) (D) *Rainer* *Goddard* *Alan Marshall*	Song of the Buckaroo (O) *Tex Ritter*	Ride a Crooked Mile (G) (D) *Farmer Tamiroff* (3815)	Western Jamboree (O) *Gene Autry* *Smiley Burnette*	Next Time I Marry *Lucille Ball* *James Ellison* (910)	Up the River (G) (C) *Tony Martin* *Phyllis Brooks* (924)		Secrets of a Nurse (G) (D) *Helen Mack* *Edmund Lowe*	Heart of the North (G) (D) *Dick Foran*	
Dec. 16	Strange Case of Dr. Meade *Jack Holt* California Frontier (O)	A Christmas Carol (G) (D) *Reginald Owen* *Terry Kilburn*	I Am a Criminal (G) (D) *John Carroll* *Mary Kornman*	The Frontiersman (G) (O) *William Boyd* (3856)	Red River Range *3 Mesquiteers*		Down on the Farm (G) (C) *Jones Family* (920)		Swing, Sister, Swing *Ken Murray* Ghost Town Riders (O)	Secret Service of the Air *Ronald Reagan* *John Litel* *Ila Rhodes*	G. N.
Dec. 23	There's That Woman Again (G) (C) *Douglas* *Bruce*	The Girl Downstairs *Tone* *Gaal* *Connolly*	Wild Horse Canyon (O) *Jack Randall*	Tom Sawyer, Detective (G) (D) (3816)	Shine On, Harvest Moon *Roy Rogers* *Mary Hart*		Thanks for Everything (G) (C) *Menjou* (917)	Trade Winds (G) (D) *Fredric March* *Joan Bennett*	Newsboys Home *Jackie Cooper* *Wendy Barrie*	The Dawn Patrol (G) (D) *Errol Flynn* *Rathbone*	Shadows Over Shanghai (G) (D) *James Dunn* *Ralph Morgan* (Oct. 14) (311)
Dec. 30	Smashing the Spy Ring *Fay Wray* *Ralph Bellamy*	Sweethearts (G) (M) *MacDonald* *Nelson Eddy*	Tough Kid *Frankie Darro*	Artists and Models Abroad *Jack Benny* *Joan Bennett* (3817)	Federal Man Hunt *Livingston* *Travis*		Kentucky (G) (D) *Loretta Young* *Richard Greene* (923)	Duke of West Point (G) (D) *Louis Hayard* *Joan Fontaine*		Going Places (G) (C) *Dick Powell* *Anita Louise*	Frontier Scout (G) (O) *George Houston* (Oct. 21) (325)
Jan. 6 1939	North of Shanghai *Betty Furness* *James Craig*	Stand Up and Fight *Robert Taylor* *Wallace Beery* *Florence Rice*		King of Chinatown *Anna May Wong* *Tamiroff*	Fighting Thoroughbreds *Ralph Byrd* *Mary Carlisle* *Robert Allen*	Pacific Liner *McLaglen* *Chester Morris* *Wendy Barrie* (D)	While New York Sleeps (G) (D) *Michael Whalen* (922)		Last Warning *Foster* *Jenks* (G) (D)	Devil's Island *Karloff*	Titans of the Deep (Oct. 28) *Dr. Beebe* (326)
Jan. 13	The Thundering West (O) *Starrett* *Meredith*	Burn 'Em Up O'Connor *Dennis O'Keefe* *Cecilia Parker*	Convict's Code *Anne Nagel* *Robert Kent*	Zaza *Colbert* *Marshall* *Bert Lahr*	Mysterious Miss X *Michael Whalen* *Mary Hart*	The Great Man Votes *John Barrymore* *Peter Holden*	Charlie Chan in Honolulu (G) (D) *Sidney Toler* (928)	Topper Takes a Trip (C) *Roland Young* *Constance Bennett*	Son of Frankenstein *Rathbone* Honor of the West *Bob Baker*	They Made Me a Criminal *John Garfield* *"Dead End" Kids* *Claude Rains*	Cipher Bureau (G) (D) *Joan Woodbury* *Leon Ames* (Nov. 4) (312)
Jan. 20	Frontiers of '49 (O) *Bill Elliott* *DeAlcaniz*	Idiot's Delight *Shearer* *Gable*	Drifting Westward (O) *Jack Randall*	Disbarred *Gail Patrick* *Otto Kruger* Ambush *Swarthout*		Boy Slaves *Anne Shirley* *Roger Daniels*	Mr. Moto's Last Warning *Lorre; Cortez* Smiling Along *Gracie Fields*		Gambling Ship *Robert Wilcox* *Helen Mack*	Off the Record *Pat O'Brien* *Joan Blondell* *Bobby Jordan*	
Jan. 27	Lone Wolf's Daughter *Warren William* *Ida Lupino*	Four Girls in White *Florence Rice*	Sundown on the Prairie *Tex Ritter*	Paris Honeymoon *Bing Crosby*		Gunga Din *McLaglen* *Cary Grant* (Pre-release only)	Jesse James *Tyrone Power* *Henry Fonda* *Nancy Kelly* (921)		You Can't Cheat an Honest Man *W. C. Fields* *Edgar Bergen*	King of the Underworld *Kay Francis* *Humphrey Bogart*	Sunset Strip Case *Sally Rand* (Nov. 11) (345)

Pledges Films Will Promote Pride in U. S.

(Continued from page 1)

be maintained, predicting greater expenditures for production in 1939 than ever before in industry history.

The text of Schenck's address follows:

"This coming year the motion picture industry celebrates its Golden Jubilee. Fifty years ago motion pictures had their bare, experimental beginnings. Today the industry ranks among the five largest in the nation.

"It is not by accident that the movies have attained this position. It is due rather to the foresight, the courage and the unremitting labors af the men who laid the foundations and brought the industry into being. They created a business in which billions are invested and from which millions benefit directly and indirectly. Their vision has enabled the industry to grow steadily greater.

"Now it occupies a unique position in the American scheme of things. The motion picture screen is no longer merely a medium for mass entertainment. It is that first and foremost, of course. But it has become also the most effective salesman of American products and the American way of life that the world has ever known.

"Just how large a part the films play in the sale of American goods of every description in this country and abroad cannot be accurately judged. But that it is far reaching and tremendous no one who has studied the matter will deny. Therefore we feel that the Government should give this industry the utmost in encouragement and support.

"In the past, the film industry has never permitted business recessions to keep it in check for long. Thus, though business conditions in the last half of 1938 were none too good, the industry plans greater expenditures for productions in 1939 than ever before in its history.

"Americans have always been proud of the supremacy of their motion pictures throughout the world. It is our purpose in 1939 to maintain that supremacy beyond question.

"But we propose also during the coming year to make the American public more proud than ever of their nation, their history and the system of free government under which we are privileged to live.

"We feel, too, that the world, now as never before, needs the things that the motion picture industry can give it—hope and cheer, the boon of laughter, and the comforting knowledge that freedom and liberty are not dead.

"And so we of Hollywood look forward to the New Year of 1939 with renewed confidence, resolution and pride."

J. A. Sisto Expelled By Stock Exchange

J. A. Sisto, head of the Stock Exchange company bearing his name, was expelled from the exchange yesterday. Sisto had at one time and another been connected financially in films.

Vaudeville Returns To Shea's, Toronto

Toronto, Dec. 29.—After an absence of one year, vaudeville has returned to the stage of Shea's Theatre, Toronto, which has been looked upon as the home of big-time vaudeville programs for the past 35 years. Vaudeville replaces one feature on the previous double bill policy and there is no change in the admission scale.

Theatre Building Active in Ontario At Close of Year

By W. M. GLADISH

Toronto, Dec. 29.—Theatre building activity throughout Ontario was pronounced as the year came to a close, with new projects opened or under way in all sections of the province. Three new houses are on the way in St. Catharines, a city of 25,000 where two theatres are already in operation. One is being built by H. Freedman, proprietor of the Circle, Toronto, and past president of the Independent Theatres Association; the second is being erected by Hanson Theatres Corp. and will seat 1,000, while the third is being built by Philip Kamin, hotel proprietor in St. Catharines.

J. O. Scott, proprietor of the Weston in Weston, has opened the Riviera, at Prescott, Ont., and the Royal at Peterborough is being rebuilt at a cost of $40,000 and will be known as the New Centre. Premier Theatres, Ltd., has purchased a new site at Port Colborne for a theatre to replace the Strand, which was destroyed by fire early in December.

Hanson Theatres has started work on a 1,000-seat theatre at Dunnville which, with five stores, will cost $100,000. William Karp of Montreal is remodeling a structure in Ottawa for use as a theatre to seat 400, at a cost of $20,000. A third theatre, seating 465 persons, is being erected at Welland, Ont., by I. Grader, to be operated by 20th Century Theatres, Ltd., Toronto. The Andre at Caledonia has been remodeled and enlarged by the owner, E. Anderson. In Toronto the work of rebuilding the National in the downtown section has been concluded by Thomas Walton, owner, and the new house is known as the Rio. A new theatre is going up in North Toronto.

Work has started on a new theatre at Sudbury, in northern Ontario, to be operated by J. Cohen of Toronto while new theatres were recently opened at Timmins and Ansonville in the North Country. Famous Players Canadian Corp., has opened a second theatre at Galt, a town of 15,000, where the company has operated the Capitol for many years.

M-G-M Buys 3 Stories

M-G-M has acquired film rights to the musical, "Babes in Arms," by Richard Rogers and Lorenz Hart; "Wings Over the Desert," by Harold Buckley, and "Nickel Show," by Vera Caspary.

'Memory' at $6,500 Dents Capital Lull

Washington, Dec. 29.—"Thanks for the Memory" was the only downtown attraction to make a dent in the pre-holiday lull. It pulled $6,500 at Loew's Columbia, top gross for the house in months.

"The Citadel," in its second week at Loew's Palace, was the only other attraction to get into the profit column.

Estimated takings for the week ending Dec. 22:

"Christmas Carol" (M-G-M)
LOEW'S CAPITOL—(3,434) (25c-65c) 7 days. Stage: Rex Weber, Cross & Dunn, Chester Hale Girls. Gross: $10,500. (Average, $16,500)

"Thanks for the Memory" (Para.)
LOEW'S COLUMBIA—(1,243) (25c-40c) 7 days. Gross: $6,500. (Average, $4,200)

"The Citadel" (U. A.)
LOEW'S PALACE—(2,370) (25c-55c) 7 days, 2nd week. Gross: $11,800. (Average, $11,500)

"The Storm" (Univ.)
RKO-KEITH'S—(1,836) (25c-40c) 7 days. Gross: $6,500. (Average, $10,000)

"Heart of the North" (???)
WARNERS' EARLE—(2,218) (25c-66c) 7 days. Stage: Gang Busters, Grace Drysdale, Milt Douglas. Gross: $12,200. (Average, $16,000)

"Angels with Dirty Faces" (W. B.)
WARNERS' METROPOLITAN—(1,591) (25c-40c) 7 days. Gross: $3,000. (Average, $4,000)

B'way to Hail '39 Despite Cab Strike

(Continued from page 1)

A.M., the Music Hall at midnight, and the Roxy at 11:45 P.M. The Roxy will add a film show at 2:30 A.M.

All schedules with reference to screenings are subject to additions in the event business warrants. Yesterday, the Rialto started on an all night policy and will continue it over the holidays. The Rivoli, Criterion, Mayfair, Globe and Palace plan to remain open until dawn. The Capitol and Astor will start their last shows shortly after 2:30 A.M.

Matinee crowds are thronging the box-offices and all houses are playing to capacity business throughout the day and evening shows. The cold spell appears to have had little effect and most are willing to brave the winds outside for more than an hour's wait.

"Dawn Patrol" at the Strand and "Kentucky" at the Roxy grossed an estimated $55,000 each in their first week and both will continue. Friday through Sunday were off considerably, but subsequent holiday business brought both to top figures.

Pettijohn Sees Way Open for Continued Negotiation on Pact

Viewing the first draft of the distributors' proposals for an industry trade practice program as "the greatest forward stride ever taken" by exhibition and distribution, C. C. Pettijohn, general counsel of the M. P. P. D. A., expresses the opinion that the submission of the draft has not closed the door to further negotiations or efforts at clarification of the first proposals.

In his year-end statement, Pettijohn observes, "Although I have not been a party to those negotiations, I truly believe that every man participating in them was striving for what he thought was right and helpful to the whole industry and destructive to nobody."

"The net result, in my opinion," Pettijohn says, "has been the greatest stride forward that these two branches of the industry have ever taken. As I see the situation, the door has not been closed to anybody to ask for or to strive for further understandings fair to all parties concerned. Many well intentioned people do not fully comprehend the language which expresses this constructive step. Such language can easily be clarified so that all may understand it.

"The distributors were asked to put in writing what they believed the understanding to be. . . . If further negotiations are necessary on some phases, let us have them. Let the same men negotiate. . . . If it now needs further clarification, let this clarification be forthcoming. Let us go into 1939 believing in the sincerity and honesty of purpose of every man who had a part in those negotiations."

7 of 8 Operators in Local Out as Pickets

Norman, Okla., Dec. 29.—Seven of Norman's eight motion picture operators are picketing two downtown theatres, the Sooner and the University. They are seeking a $25 salary for a 35-hour week and they say they have attempted to negotiate with L. C. Griffith, president of the Griffith Amusement Co., which operates three houses in Norman.

Lester F. Hall, president of the local union, has requested that a three-man arbitration board be appointed to settle "differences" between the union and Griffith Amusement.

Holiday Greetings . . .

LaHiff's
TAVERN
The Industry's MEETING and EATING PLACE
★ ★ ★ ★ ★
156 West 48th Street New York

Film Stock Gain in 1938 $96,202,500

(*Continued from page* 1)

The gains shown in the closing months of the year were registered in spite of the Government suit against major film companies.

Kodak's $418,600,000

Eastman Kodak at Dec. 24, 1938, had a total market value of $418,600,000, compared with $369,150,000 at the end of 1937, and $402,500,000 and the close of 1936.

Loew's, Inc., despite the stockholders' action, gained $12,800,000 in market value during the year, to reach $84,800,000. The largest point gain was registered by Universal Pictures preferred, which rose from a 1937 close of 29 to 76 at Dec. 24, 1938.

Other film stocks which showed marked gains on the big board in market value were 20th Century-Fox, up $9,000,000; 20th Century-Fox preferred, up $7,625,000; Paramount, up $5,200,000, and General Theatre Equipment, up $2,175,000.

Universal Pictures common, listed on the Curb Exchange, showed a sympathetic gain with the preferred stock on the big board, rising three points for the year.

The bond market action in film securities was generally upward, the largest gain being registered by Warner Brothers 6s, which are convertible into stock of the company next year. The bonds rose 17 points to a price slightly above 91. Paramount bond issues were strong, the convertible 3¼s recording a gain of approximately 16 points to about 87.

Radio-Keith-Orpheum stock and bonds definitely reflected the uncertainties during the year concerning the company's reorganization proceedings, the stock showing a loss of about two points for the year, while the bonds, at a price of about 70, were off almost eight points from the 1937 closing figure.

Picture stocks took full share in the upward trend which followed the adjournment of Congress, the market showing new highs for the year during the summer after declining from 33 to 75 per cent from the year's opening prices.

Motion Picture Stocks in 1938

High and Low in Stock and Bond Trading for 5 Years 1934 to 1938

(Closing Prices Are as of December 24, 1938)

New York Stock Exchange

Stock and Dividends	1938 Sales	1938 High	1938 Date	1938 Low	1938 Date	1938 Last	1938 Net Change	1937 High	1937 Low	1936 High	1936 Low	1935 High	1935 Low	1934 High	1934 Low
Columbia Pictures vtc. (2½% B)...	161,700	19	Nov. 9	9	Mar. 30	15	+ 3	39½	10	45½	31	81	34¼	41⅜	21½
Columbia Pictures pfd. (2¾)........	9,100	35⅜	July 19	27½	Apr. 1	28	+ 1	46⅛	25¾	51½	39½	49⅞	43½	not listed	
Consolidated Film	62,300	2⅜	Oct. 24	1	Mar. 26	1⅝	unch.	5¾	1	7⅛	4⅛	7½	3¼	6¼	1⅝
Consolidated Film pfd. (1 C)........	80,600	12¼	Dec. 1	4½	Mar. 25	10½	+ 5	18¾	4¼	20⅛	15¼	22⅛	14¼	20¼	10⅜
Eastman Kodak (6)	167,600	187	Nov. 10	121½	Mar. 31	182	+21½	198	144	185	156	172¼	110½	116½	79
Eastman Kodak pfd. (6)............	3,280	173	Dec. 22	157	Jan. 5	173	+17	164	150	166	152	164	141	147	120
General Theatre Equip. (1)..........	102,100	16¾	Nov. 7	8½	Mar. 23	15½	+ 3⅝	33¾	9½	not listed					
Keith-Albee-Orpheum pfd. (8¾)....	450	91	Nov. 29	63	Apr. 5	90	+10	110	80	110	80	90⅛	34	37½	20
Loew's, Inc. (3 A)...................	649,300	62½	Nov. 12	33	Mar. 31	53	+ 8	88⅞	43⅝	65¾	43	55⅝	31¼	37	20⅜
Loew's, Inc., pfd. (6½)..............	9,800	111¼	Oct. 26	99	Dec. 17	104½	— 1	110	99¾	108⅞	104½	108¾	102	105	72
Paramount	2,200,800	13¼	July 19	5¾	Mar. 3	12⅞	+ 3¼	28¾	8½	23¼	7⅛	12	8	not listed	
Paramount 1st pfd. (6)..............	42,200	101¼	Dec. 16	65	Mar. 26	98¼	+13½	200½	80½	170	59	101¾	67	not listed	
Paramount 2nd pfd. (.60)............	261,300	13⅛	July 20	6⅝	Mar. 31	12½	+ 2	26¾	8	21¼	8⅛	14¼	9¼	not listed	
Pathe Film Corp......................	929,100	14⅝	Nov. 1	3½	Mar. 30	10¾	+ 5¾	10½	4	11⅞	6⅝	8⅛	4⅞	not listed	
Radio-Keith-Orpheum (E)...........	890,500	5⅜	Jan. 11	1¾	Sept. 28	2⅛	— 1⅞	10⅛	2¼	10⅞	5	6	1¼	4¼	1½
20th Century-Fox (2)................	797,500	28⅜	Nov. 12	16⅛	Mar. 29	25½	+ 5⅝	40⅞	18½	38⅝	22½	24¾	13	not listed	
20th Century-Fox pfd. (1½).........	47,850	38	July 19	25⅛	Mar. 25	34	+ 7⅝	50	25	47¾	31⅜	32	24⅝	not listed	
Universal Pictures pfd.	5,140	83	Dec. 8	27½	Mar. 30	76	+47	108	29	115	50	73	29	46½	16⅞
Warner Brothers	1,341,400	8	July 19	3¾	Mar. 26	5⅝	— ⅜	18	4¾	18⅜	9¼	10⅜	2¼	8¼	2¾
Warner Brothers pfd. (F)...........	7,670	45	Aug. 6	20	Mar. 26	39	+ 5	69½	36	69	44	52	14½	31⅞	15

A—So far this year; B—Payable in stock; C—Accumulated; E— In bankruptcy or receivership or reorganization; F—Unit of trading 10 shares.

New York Curb Exchange

Stock and Dividend	1938 Sales	1938 High	1938 Low	1938 Last	1938 Net Change	1937 High	1937 Low	1936 High	1936 Low	1935 High	1935 Low	1934 High	1934 Low
Columbia Pictures common....................	125	16	13¼	16	—13⅜	39	29	45	34	73	38	35	24½
Grand National Films..........................	183,200	1⅛	⅛	3/16	—9/16	4¼	½	4⅝	2⅛	not listed			
Monogram Pictures	91,500	3⅛	1¼	1¾	+ ¼	2⅜	1	not listed					
Sentry Safety Control.........................	14,500	⅜	3/16	3/16	— ⅛	1¼	¼	1⅝	½	⅞	¼	½	⅛
Technicolor (1A)	431,100	26½	14¼	21¼	+ 4¾	34	14	32½	17¼	27	11⅝	14¾	7⅝
Trans-Lux DPS (.10 A)........................	64,700	3⅛	1¾	1¾	— ⅞	5¼	1⅝	5½	3¼	4⅜	2	3⅛	1⅛
Universal Pictures	8,200	10	3	8	+ 3	19	3⅛	16¾	4¼	8	8	5½	3

A—So far this year.

Bonds on Stock Exchange

Bond and Maturity	1938 Sales	1938 High	1938 Low	1938 Last	1938 Net Change	1937 High	1937 Low	1936 High	1936 Low	1935 High	1935 Low	1934 High	1934 Low
Keith 6s '46..	$36,000	95	80	93	+10½	100	82½	100	92	95¾	67½	73½	51
Loew's 3½s '46....................................	2,172,000	102⅝	94½	98¾	+ 1½	101¼	95½	102	96	not listed			
Paramount-Broadway 3s '55..................	216,000	63	56¾	56¾	— 3¼	75¼	59	73	55	63	54⅛	47	30
Paramount 6s, '55..............................	996,000	100	81	99½	+11½	105½	88	101¼	83	97⅜	84¾	not listed	
Paramount cv. 3¼s '47.........................	1,068,000	87¼	57	87	+15⅝	96¾	71	not listed					
Radio-Keith-Orpheum 6s '41..................	1,344,000	81	52½	69¼	— 7¾	126½	75	122	63	88¾	26½	41	18¼
Warner Brothers cv. 6s, '39..................	6,096,000	91½	63¼	91½	+17	100¼	70	100¼	86	89½	48½	67	40⅞

Comparison of Valuation of Stock Issues—1937-38

Stock	Approx. Shares Listed	Close 1937	Valuation	Close 1938	Valuation	Net	Change
Columbia Pictures vtc......................................	290,000	12	$3,480,000	15	$4,350,000	+ 3	+ $870,000
Columbia Pictures pfd......................................	75,000	27	2,025,000	28	2,100,000	+ 1	+ 75,000
Consolidated Film	530,000	1⅝	861,250	1⅝	861,250	unch.	unch.
Consolidated Film pfd.....................................	400,000	5½	2,200,000	10½	4,200,000	+ 5	+ 2,000,000
Eastman Kodak	2,300,000	160½	369,150,000	182	418,600,000	+21½	+49,450,000
Eastman Kodak pfd...	60,000	156	9,360,000	173	10,380,000	+17	+ 1,020,000
General Theatre Equip.	600,000	11⅞	7,125,000	15½	9,300,000	+ 3⅝	+ 2,175,000
Keith-Albee-Orpheum pfd.	65,000	80	5,200,000	90	5,850,000	+10	+ 650,000
Loew's Inc.	1,600,000	45	72,000,000	53	84,800,000	+ 8	+12,800,000
Loew's, Inc, pfd.	140,000	105½	14,770,000	104½	14,630,000	— 1	— 140,000
Paramount	1,600,000	9⅝	15,400,000	12⅞	20,600,000	+ 3¼	+ 5,200,000
Paramount 1st pfd.	250,000	84¾	21,187,500	98¼	24,562,500	+13½	+ 3,375,000
Paramount 2nd pfd.	650,000	10½	6,825,000	12½	8,125,000	+ 2	+ 1,300,000
Pathe Film Corp.	600,000	5	3,000,000	10¾	6,450,000	+ 5¾	+ 3,450,000
Radio-Keith-Orpheum	1,400,000	4	5,600,000	2⅞	2,975,000	— 1⅞	— 2,625,000
20th Century-Fox	1,600,000	19⅞	31,800,000	25½	40,800,000	+ 5⅝	+ 9,000,000
20th Century-Fox pfd.	1,000,000	26⅛	26,315,000	34	34,000,000	+ 7⅝	+ 7,625,000
Universal Pictures pfd.	20,000	29	580,000	76	1,520,000	+47	+ 940,000
Warner Brothers	3,900,000	6	23,400,000	5⅝	21,937,500	— ⅜	— 1,462,500
Warner Brothers pfd.	100,000	34	3,400,000	39	3,900,000	+ 5	+ 500,000
			$623,738,750		$719,941,250		+$96,202,500

Charlie McCarthy Is Winner in Radio Poll

(*Continued from page* 1)

undergone during the "20 critical days," it is inconceivable that they would have succumbed to the "Martian" fright that the now memorable Welles broadcast induced.

Crosby, Allen Named

Returning now to the "Champion of Champions" division, we find the forceful and youthful Mercury Theatre leader in third place, a spectacular climb from his "not mentioned" placement last season.

Below Welles is Bing Crosby, just nosed out of the third place groove, with Fred Allen in fifth place.

And here, by the way, is a good place to indicate that the poll listings this year are to be confined to the first five artists in each division and not, as in previous contests, trailing with full complements of names. This is being done to make the roll more selective.

Bing Crosby's unorthodox baritone apparently has perpetual appeal, for again Bing is a handy winner as the best vocalist, popular, in radio. His closest competitor—not too close—is Kenny Baker, with Nelson Eddy third, Rudy Valee fourth, and Frank Parker fifth. This is the third consecutive year Bing has led this division.

Eddy Leads Vocalists

Indicating how frequency of appearance on a popular program builds personality popularity, classical. Nelson Eddy leads radio's male vocalists, classical. The Charlie McCarthy program soloist noses out for top place Richard Crooks, star of the Firestone Hour series. Lawrence Tibbett, who has been abroad a great part of the year on a concert tour, is a strong runner-up. John Charles Thomas and John Carter trail in that order.

Kath Smith is the titlist of the popular songstress contingent, winning handily over Frances Langford, who last year upset Miss Smith's leadership. Appealing Connie Boswell follows Miss Langford, with Jane Froman next and dusky-skinner and voiced Maxine Sullivan, who "rags" the standard American folk tunes, is in fifth place.

Margaret Speaks Winner

The first real upset occurs among the feminine classical singers. Absence from the airways of such performers as Lily Pons, Jeanette MacDonald, Grace Moore and Jessica Dragonette has taken its toll, and consequently we find such regular radio performers as Margaret Speaks and Lucille Manners dominating the division. Miss Speaks is the winner, with Miss Manners such a close second that only three votes separate them. Lily Pons is third and Kirsten Flagsted is fourth. Gladys Swarthout, who has been off the air for some time, closes the division in fifth place.

Fred Allen seems perennially destined to run second to Jack Benny as the air's top comedian, and this is the way they finish again in 1938. Charlie McCarthy (or Edgar Bergen, take your pick) is the third choice, with Eddie Cantor and Fibber McGee closing the quintet.

Popularity of the "Baby Snooks" characterization on the MGM Hour has brought Fanny Brice to the top spot as the air's premier comedienne. In winning she supplants Gracie Allen, the titleholder in previous elections. Shouting Martha Raye is third, and Mary Livingston and Jane Ace follow.

The dominant comedy team—try to displace them—are Burns and Allen, who annually take the votes in this division. Bergen and McCarthy is the number two team; Jack Benny and Mary Livingstone, third; Amos 'n' Andy are fourth; Fibber McGee and Molly, fifth.

Select Lux Theatre

The most popular dramatic series in radio is the Lux Radio Theatre, followed by Orson Welles' Mercury Theatre of the Air, One Man's Family, the Columbia Workshop, and Edward G. Robinson's Big Town series.

The Jell-o series, with Jack Benny, is ranked the best comedy program. Town Hall Tonight, with Fred Allen, is second, taking the number two spot away from Amos 'n' Andy, whose program was ranked second in last season's poll. The Easy Aces are third, Fibber McGee's show is fourth, and Amos 'n' Andy come under the wire in fifth place. Votes for Bob Hope's show were coming in strong at the time the poll closed.

Dance orchestras in this years's poll are divided into two divisions—popular and swing. Orchestras of Guy Lombardo, Horace Heidt, Kay Kyser, Richard Himber, Hal Kemp and Eddie Duchin lead the popular orchestra brigade, with Duchin and Kemp tied for fifth place. The swing leaders are Benny Goodman, Tommy Dorsey, Kay Kyser, Art Shaw and Bob Crosby, finishing in that order.

Vote for Toscanini

The NBC Symphony over which maestro Toscanini resides is the outstanding choice as the best liked classical musical unit, with CBS's New York Philharmonic in second place. The Ford Symphony is third, the Philadelphia Orchestra fourth, and Frank Black's NBC Symphony fifth.

Kay Kyser's engaging series, "Kollege of Musical Knowledge," scores as the best popular musical program, with the Fred Waring show in second place. The Hit Parade and Vallee shows are in a tie for third; Kraft Music Hall is fourth, and the American Album of Familiar Music coupled with the Heidt Brigadiers, fifth.

Ford Hour Leader

Undoubtedly the program about to be listed here as the best classical musical series will occasion some surprise, for the choice is not, as one might conclude, the NBC Symphony with Toscanini. Rather, it is the Ford Sunday Evening Hour. It may appear especially surprising in view of the choice of Toscanini's Symphony as the best liked classical musical unit. Nevertheless, that is how the radio editors voted. The Ford Hour is first, the Toscanini series second, the New York Philharmonic broadcasts third, Firestone Hour fourth, and the Cities Service program fifth.

Editors declared the best of the children's series to be Let's Pretend, a CBS sustaining program conducted by Nila Mack, CBS director of children's programs. The other four, in order, are Orphan Annie, Lone Ranger, Singing Lady, and American School.

Lux Radio Theatre, the radio editors have reiterated, is the best Hollywood program radio has to offer. The "Theatre" seems to have taken root as the best all-time Hollywood series in radio. Now in its fifth year on the air, the Radio Theatre has fashioned a secure hold on affection of the nation's listeners. In 1938—as you may expect in '39 and '40—the program scores with even greater emphasis than in previous elections as the best Hollywood program as well as the best dramatic series.

Presenting Hollywood

There is, of course, an explanation for the "Theatre's" consistent popularity. The hour has presented glamorous Hollywood with creative imagination as well as a high standard of showmanship. Recognizing that the radio audience is composed of film-minded listeners, the "Theatre" presents Hollywood in its most fascinating aspects from the standpoint of stars, the Material it selects for dramatization, and behind-the-scenes glimpses of the interesting Hollywood of reality. These are the factors which have contributed toward winning for the Lux Radio Theatre millions more listeners than any other dramatic program in the history of radio.

MGM's "Good News" is the second best film series on the air, according to the editors balloting. "Good News" is increasingly forging ahead as one of the best of the Hollywood offerings, and it promises to make its presence felt even more forcibly as time elapses. The Chase and Sanborn Hour is third, Kraft Music Hall is fourth and Hollywood Hotel, now off the air and replaced by Orson Welles' show, is in fifth place.

Don Wilson is by far the editors' nominee as radio's foremost announcer —a third straight win for Don in this poll. In order follow Ken Carpenter, Harry Von Zell, Milton Cross and Graham McNamee.

Kaltenborn Leading Figure

H. V. Kaltenborn is undoubtedly the radio personality of the year. Laboring importantly but obscurely at CBS as news analyst for a number of years, this season saw him emerge as the man to whom the entire country paid rapt attention as, during the critical 20 days preceding the Munich Pact, he brilliantly and accurately analyzed and interpreted the pulsating news from across the sea. He is the stand-out selection among commentators. Next in order are Lowell Thomas, Edwin C. Hill, Gabriel Heatter and Boake Carter.

Ameche "Most Effective"

Don Ameche is the choice of the editors as the most effective film player in radio. Closely following Ameche is Edward G. Robinson, now almost as great an attraction on the air as he is at the boxoffice, and following, Bing Crosby, Frank Morgan, William Powell, and Charles Boyer, the two last-named equal choices.

Approximately 95 per cent of the editors who participated in the poll awarded to CBS the palm for providing the year's best special events job, and, of course, the nomination was for the network's outstanding coverage of the Czech crisis. Significantly, the majority of the ballots bore the citation—"CBS Czech coverage with Kaltenborn." The handful of remaining citations in this division were for NBC's and Mutual's coverage by all the networks, and the handling of the Howard Hughes flight.

Most painless commercial readings, the editors declare, are those heard on the Jell-o, Ford, Johnson Wax, Kraft, and the Sherwin-Williams "Metropolitan Opera Auditions of the Air" programs.

The poll concludes with a special citation and award to "Information Please," the audience participation program now delighting listeners every Tuesday evening.

Results in all classifications follow:

Open Champions

Charlie McCarthy
Jack Benny
Orson Welles
Bing Crosby
Fred Allen

Vocalists: Male (Popular)

Bing Crosby
Kenny Baker
Nelson Eddy
Rudy Vallee
Frank Parker

Vovalists: Male (Classical)

Nelson Eddy
Richard Crooks
Lawrence Tibbett
John Charles Thomas
John Carter

Vocalists: Female (Popular)

Kate Smith
Frances Langford
Connie Boswell
Jane Froman
Maxine Sullivan

Vocalists: Female (Classical)

Margaret Speaks
Lucille Manners
Lily Pons
Kirsten Flagstad
Gladys Swarthout

Comedians

Jack Benny
Fred Allen
Charlie McCarthy
Eddie Cantor
Fibber McGee

Comediennes

Fannie Brice
Gracie Allen
Martha Raye
Mary Livingstone
Jane Ace

Comedy Teams

Burns and Allen
Bergen-McCarthy
Benny-Livingstone
Amos 'n' Andy
Fibber McGee & Molly

Dramatic Series

Lux Radio Theatre
Mercury Theatre
One Man's Family
Columbia Workshop
Big Town

(*Continued on following page*)

Charlie McCarthy Again Is Winner in Radio Editors' Poll

(Continued from page 7)

Comedy Series

Jell-o, with Jack Benny
Town Hall Tonight, Fred Allen
Easy Aces
Fibber McGee & Molly
Amos 'n' Andy

Dance Orchestras (Popular)

Guy Lombardo
Horace Heidt
Kay Kyser
Richard Himber
Eddie Duchin } Tie
Hal Kemp } Tie

Dance Orchestras (Swing)

Benny Goodman
Tommy Dorsey
Kay Kyser
Art Shaw
Bob Crosbv

Orchestras (Classical)

Toscanini's NBC Symphony
New York Philharmonic
Ford Symphony
Philadelphia Orchestra
Frank Black's NBC Symphony

Musical Series (Classical)

Ford Sunday Evening Hour
Toscanini Program
New York Philharmonic Broadcasts
Firestone Hour
Cities Service Concerts

Childrens' Series

Let's Pretend
Orphan Annie
Lone Ranger
Singing Lady
American School

Film Programs

Lux Radio Theatre
M-G-M Good News
Chase & Sanborn Hour
Kraft Music Hall
Hollywood Hotel

Announcers

Don Wilson
Ken Carpenter
Harry Von Zell
Milton Cross
Graham McNamee

Commentators

H. V. Kaltenborn
Lowell Thomas
Edwin C. Hill
Gabriel Heatter
Boake Carter

Film Players on the Air

Don Ameche
Edward G. Robinson
Bing Crosby
Frank Morgan
William Powell } Tie
Charles Boyer } Tie

Special Events Coverage

CBS—Czech Crisis
NBC—Czech Crisis
Mutual—Czech Crisis
New England Hurricane, Hughes and Corrigan flights, by all networks.

Best Commercial Readings

Jell-o Program
Ford Sunday Program
Johnson Wax Program
Kraft Program
Sherwin-Williams Program

▸ *Radio Personals* ◂

NAN WYNN has been signed for a series of transcriptions for Gruen Watch, booked by Herb Rosenthal of CBS Artists Bureau. . . . The Radio Rubes start a personal appearance tour of theatres early in January, under the direction of Abe Feinberg. . . . Bea Wain returns to New York today from Hartford where she played a vaudeville date. . . . Jimmie Lunceford's band will be the guest unit at the "Amateur Night in Harlem" program over WMCA, Jan. 4. . . . Muriel Wilson has been assigned the lead in NBC's forthcoming operetta presentation of "The Gondoliers" Jan. 3. . . . Jackie Cooper will be guest star on Chase & Sanborn Sunday. . . . Vyvyan Donner of Movietone News will be interviewed by Polly Shedlove on the latter's morning program over WHN Jan. 4.

+

Theodore M. Thompson of NBC's general service department goes in as administrative assistant to Walter G. Preston, director of educationanl programs. . . . Del Sharbutt and Dan Seymour, CBS announcers, became fathers of girls this week. . . .Two new CBS announcers have joined the New York staff, Ted Reams coming from WRVA, Richmond, and Harry Clark from WTIC, Hartford. . . . They replace staff announcers Johnny Lang, who has been signed by RKO, and Bert Parks, who resigned to join the Eddie Cantor program as word-spieler and stooge. . . . Eddie DeLang's orchestra will provide the musical settings on the new Phil Baker show.

Purity Bakeries on WHN Another Year

Purity Bakeries Corp. has renewed its contract over WHN for another 52 weeks of broadcasting. The account was placed by Campbell-Mithun.

National Motor Boat Show has contracted for participation in the "Early Bird" program over WHN, sponsorship starting Jan. 6. Charles J. Cutajar Advertising Co. placed the account.

Other new WHN accounts are Mellquist Salon, Inc., a 52-week contract for participation in "Polly, the Shopper," through a placement by Frank Kiernan & Co., and Mirrolike Mfg. Co., a 52-week contract for participation in the same program, the latter contract through Fisher, Zealand & Co.

Macpherson on CBC Net

TORONTO, Dec. 29.—Roderick H. Macpherson, native of Ontario, one time pianist and organist in theatres of Ontario cities and now theatre organist of the British Broadcasting Corp., London, will be heard in a radio program in his native country for the first time on Jan. 2 over a scheduled program over the national network of the Canadian Broadcasting Corp.

Laderoute on Met Show

CINCINNATI, Dec. 29.—Joseph Victor Laderoute, talented young Canadian tenor, member of the WLW staff, will appear on the "Metropolitan Auditions of the Air" program over NBC Sunday.

Foreign Programs Increase at NBC

A new high in international broadcasts was established by NBC in 1938, the year's total of incoming short-wave programs, excluding Canada, being 574, an increase of more than 11 per cent over 1937.

England is in the lead with a total of 125 broadcasts. Germany supplied 74, France, 47. Then follow: Peru, 40; Czechoslovakia, 39; Italy, 35; Switzerland, 17; Hungary, 11; Brazil, nine, and Argentina, eight.

Buick Broadcasting Louis-Lewis Fight

Buick Motor Co., continuing its sponsorship of heayweight championship prize fights, has contracted to broadcast the blow-by-blow account of the bout between Joe Louis and John Henry Lewis from Madison Square Garden, Jan. 25. The broadcast will be carried over both NBC net works, Blue and Red. Arthur Kudner agency placed the business.

Renewed for another year of broadcasting on the NBC Red is Abe Lyman's "Waltz Time" series, a Charles H. Phillips Co. feature for the past eight years. The renewal becomes effective Feb. 3. Blackett-Sample-Hummert is the agency. Still another renewal is "Smoke Dreams," sponsored by H. Fendrick Co. over a split NBC Red network, emanating from WLW in Cincinnati. The renewal is for thirteen weeks effective Feb. 21 through Ruthrauff & Ryan.

A new program, featuring a woman commentator, begins Jan. 14 over a split NBC network, sponsored by Vanette Hosiery Mills. Nine stations will carry the program, Saturdays at 8:45 A. M. The contract, for thirteen weeks, was placed by the Grant Advertising Co.

2 New Stations Get Permits in Canada

MONTREAL, Dec. 29.—Permits have been issued to two new radio stations by the Radio Division, Department of Transport at Ottawa. Rouyn-Noranda Radio Broadcasting Co. will erect a 100-watt station in the town of Rouyn operating 1,370 kilocycles with letters CKRN. The *Daily Chronicle*, Halifax, plans a 100-watt outlet. CHLT of *La Tribune*, Sherbrooke, was granted permission to increase from 100 to 250 watts on 1,210 kilocycles.

Banner LINES

ACTION about to be taken by Gertrude Berg deserves emulation by other radio performers. Miss Berg, star of the "Rise of the Goldbergs," will make one of her rare appearances away from her own program on Jan. 6 when she plays a lead in the Mercury Theatre production of "Counsellor at Law," and she is donating her check to charity.

▼

Networks have been boasting for some time past about program improvements during morning and afternoon hours. It's a canard.

Grippe kept us home recently for 10 days, and the radio switch was open all day. We're confident that had the network exploiters responsible for the improvement notes been with us while we listened, they would have crawled under a table in shame at what came out of the loudspeaker mornings and throughout the day.

▼

Indicating that the Press Radio Bureau has been washed up, not a line of news came through yesterday on the Bureau's news tickers.

▼

Louis Ruppel, new publicity director of CBS, introduced himself to the press staff at a party at the New Weston last night.

▼

If New Yorkers see a fat face in the Manhattan sky some time this afternoon, that'll be the image of Paul Whiteman. Whiteman, who is a great believer in publicity, has hired an aviator to smoke-draw the familiar caricature of Whiteman which has been the bandleader's trade mark for a dozen years.

▼

Business is indeed good with the networks. During the past 10 days, 24 commercial programs have been renewed on NBC, and CBS is not far behind in the number of renewals. At Mutual, business was never better.

▼

Television caution note from Larry E. Gubb, president of Philco: "We're as ready for television as anyone. . . . But we do believe that during 1939, and even 1940 and '41, people should not, for television's own sake, be led to expect too much."

—JACK BANNER

"Midget Theatre" on Air

CINCINNATI, Dec. 29.—WCKY will inaugurate a "Midget Theatre of the Air" Jan. 7, for a weekly Saturday broadcast.

At Age 28 I Have a UNIQUE EXPERIENCE to SELL

(*My current position terminates February 1st owing to removal of offices to California.*)

Combining a knowledge of the world film market; exploitation and publicity, selling and distribution domestically and abroad; speaking 3 languages; production experience; an all around motion picture man at your service.

Box 806, MOTION PICTURE DAILY, Rockefeller Center, New York, N. Y.

LIBRARY OF CONGRESS
0 007 551 637 A